File No. 741

1936.

Collection No.

(1)

Mysore Residency,

Bangalore.

S.N. 4, 5, 12, 25

Pros. / Serial Nos. 1 — 62

Subject.

Petition from S. M. S. Riyaqat, Convict No. 5685 of Central Jail, Salem, for remission of sentence — Release on parole on account of his father's death — Remission of the unexpired portion of the sentence by M.R & the higher Govt. on medical grounds.

Previous References.

F. No. 655 of 34 (W)

1365/36

Later References.

BBM 210/37.

A

12/12/45

30/12

S. 97.—(Blue).

MFP—1310 S&P—(M-2226)—14-6-37—100,000.

Nos. 45, 46, 47,
& 60 & 61 of
Office Rules
Containing
Black
30/12 lbs

NOTES AND PRECIS.

Dy.No. 4749 S.N. 1

1 Under section 401 of the Criminal Procedure Code, the Local Government (the Resident) has power to remit the whole or any part of the sentence awarded to a person. The petitioner was sentenced by the Sessions Judge to undergo rigorous imprisonment for a period of five years, and to notify his residence to the Police for 5 years after his release. The conviction and sentence were confirmed in appeal. It is reported that the un-expired term of sentence, after deducting the remission earned, is 2 years and 10 months.

2 The petitioner urges that he has not had a fair trial and requests, there-fore, that a fresh trial presided over by a European Judge may be ordered, or in the alternative that he may be granted a remission of the unexpired portion of his sentence. There is no provision of law under which (1) can be done. And the grounds urged in support of his case seem to have all been very carefully considered by the Additional Judge, who came to the conclusion that no case was made out by the appellant to call for an interference by the appellate Court.

3 The Sessions Court judgment shows that the petitioner had 3 previous convictions for the same offence of cheating and the learned Additional Judge observes that the appellant's record shows that he is a dangerous cheat with a long history of fraud to his credit, and that the Sessions Judge was right in imposing a severe punishment.

4 No case seems to have been made out calling for the exercise of the special powers of remission of sentence by the Local Government. Draft submitted. It is for orders whether the draft may issue, or the case referred under the provisions of Section 401 (2) either to the Sessions

Judge or the Additional Judge for opinion whether the application should be granted or refused.

AsRao 18.5.36

(from para 1)

Secy.

5 Does no grounds for clemency in this case. The sheet may issue.

19.5.36

S. IV. (2) Issue.

Await 6/36

25.5.36.

Record.

Dy.No. 6619 S.N.. 3

6 Please see S.N.'s 1 and 2. and paras 1 to 5 of Note.

7 Besides the grounds of "unjust treatment under the cover of law", and his "failure to obtain justice based on truth" already urged by the husband and negatived, the present memorial prays for remission on the ground that the accused is seriously ill.Kind attention is invited to rules 514 and 515 of the Madras Jail Manual, which provide for cases of illness endangering the life of prisoners; perhaps

page 167 of book put up.

perhaps the jail authorities would have moved in the matter if his case was so bad.

8 Submitted for orders.

A.S.Rao.
13.7.1936

(from para 6)

Secretary.

9 I think we may assume that the jail authorities would have made a report to us if the prisoner's health had been so bad as to warrant a remission of the balance of his sentence on his account. There do not appear to be any good grounds for clemency; and the petitioner may be informed that the Resident is not prepared to intervene, unless Resident would first like a reference to be made to the jail authorities on the question of the prisoner's health.

Yone
16.7.36

10 We may do this first.

Resident

17/7/36

Dy.No. 7018 S.N. 4

Draft submitted.

ASRao. 20.7.1936

(from para 10)

21/7/36.

S. N. (5) issue

Dy.No. 8353 S.N. 6

A perusal of the medical case sheet gives one the impression that the ailment is more psychological than physical; so much so, the maximum Col.Cruickshank would recommend is light diet etc., when the "attacks" occur.

Kind attention is invited to the judgment of the learned Additional Judge in Criminal Appeal 3 of 1934.(Pages 31 to 33)

It does not appear that the prisoner's condition is so precarious as to call for his immediate release. Submitted for orders.

ASRao 26.8.1936.

(from para 6)

Secretary.

The facts appear to be simply that the prisoner was suffering from chronic

appendicitis. He has undergone the usual operation and has had the appendix removed and now suffers only from general debility following on his operation. He is having good medical attention, and there seems to be no call for remission of sentence on medical grounds.

Ogle

27.8.36

Reed 16

I agree that there is no call for remission of sentence on medical grounds. The petition at S.N. 3 is, therefore, rejected.

28/8/36

Ogle 29/8

17 Draft submitted for approval, with reference to para 16.

AsRa 31.8.1936

(from para 15)

Ogle

1.9.36

Secretary.

S. N. (7) issue.

AsRa 1/9.

P.u.c
Cor p 21

18

Dy.No. 9622 S.N. 8

Under the rules, copies of judgments have to be forwarded to prisoners. There was no indication in the letter of the Inspector-General of Prisons dated 7th May 1936 that copies of judgments which formed enclosures to the letter (item No.iii), belonged to his office and not to the prisoner; it was presumed that along with a petition for remission, he handed over copies of judgments also in his possession. And hence when orders of the Local Government were communicated to the prisoner, the copies of judgments also were forwarded to him. Apparently he has not handed them over to the I.G's office through his jail. Fresh copies of judgments may, therefore, be forwarded to the I.G., along with a copy of the order passed on the petition submitted by the prisoner's wife, as desired.

× S.N. 1
Cor. p 1.

§ S.N. 2
Cor. p. 10

¥ S.N. 7
Cor p 20

19

Draft submitted.

ASRao
10.x.'36

(from para 18)

12/10/36

S.N. 19 issue

A.29-11-1936

P.u.c
Cor p.23

Dy.No. 11228 S.N. 10

20 Act V of 1898.

Under section 401 of the Code of Criminal Procedure, the Local Government may remit the whole or any part of the punishment to which any person has been sentenced. If approved, the practice of the Government of Madras may be followed in this case, and a remission of the period spent by the convict undergoing treatment in the Government General Hospital, Madras, may be granted.

21 Draft submitted.

AsRao
21.xi.'36

(from para 20)

[illegible] Secretary.

Rec'd
26.11.36

Rec'd
26.11.36

Rajamma
26/11/36

S. N. (11) issue

Awaited

P.u.c
Cor p.30

Dy.No. 3115 S.N. 12

pp. 23 + 28 of → (S) 23

Please see S.N. 10 and 11, and paras 20 to 22 of Notes. The particulars regarding the convict's admission into the hospital, discharge thereform and re-admission into the jail may be awaited. This may be filed pro-tem.

AsRao
3.4.37

(para 23)

A.S.
8.4.37

Awaited
16-8-37
15.7.37

24

* page 30

(5)

** Not issued as S.N.13 has since been received.

Please see S.N.* 12 and para 23 of notes. If approved the Government of Madras may be asked whether the convict has been re-admitted into the jail. Draft submitted.**

ASRao 13.8.37

24/8/37.

(para 24)

Secretary.

Dy.No. 8535 S.N. 13

P.U.C

Cor.p. 33.

25.

The petitioner is submitting a copy of the memoria direct in order to save the delay which may be caused b the original coming through official channel.

26

This petition for remission of sentence is the fourth of its kind, including the one submitted to the Government of Mysore. Please see S.N.1, S.N.3, cor.page 36(enclosure to P.U.C.), and S.N.13 (P.U.C.) This cry of "life in danger" is becoming a little hackneyed now. Please see paras 3 and 7 of notes. The medical officers in charge of the patient will certainly have recommended his release if the only way to save him from the jaws of death was "a change of environment free from discipline and depression". It is for orders whether the memorial through the official channel may be awaited.

ASRao 17.8.37. 27. Yes.

28/8/37.

(from para 25)

Secretary.

Dy.No. 9239 S.N. 14

28 Please see para 26 of notes.

29 The Medical Officers in charge of the patient apparently do not feel that his condition is so dangerous as to call for action under the provisions of the Madras Jail Manual. It is for consideration whether in the circumstances any heed should be paid to the persistent representations of the prisoner or on his behalf. Draft is for approval if it is considered that the petition should be rejected. An alternative draft is submitted, if it is considered that the present state of the prisnner's health must be ascertained. Please see S.N. 5.

× page 14

ASRao
14.9.37

(from para 28)

Secretary.

30 Find out how he is. He is dangerously ill, & has been in hospital (for the second time) since March.

A Subbiah
15/9/37

S.N. (15) issued

P.u.c
Corp. 43.

Dy.No. 9979 S.N. 16

31 Please see S.N. 15. No reply has been received from the Inspector-General of Prisons.

D × page 44 encl. to P.u.c. 32 It appears from the Nominal× Roll of the prisoner that he has about a year of his sentence to serve out, after the expiry of which he has to undergo a sentence imposed by the Mysore Courts. Please see the copy of the reply# given by the Government of Mysore to the petition for remission preferred by the prisoner's wife. This reply from the Darbar imposes a special responsibility on this Administration,

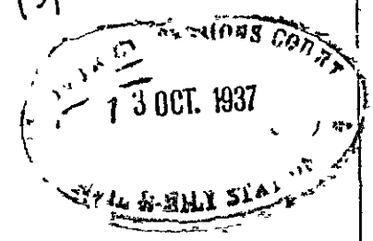
page 53 encl. to P.u.c.

in as much as the aggregate of the unexpired portion of the Station sentence and the entirety of the Mysore sentence will mean the cancellation of a substantial period of his incarceration. It appears, desirable, therefore, to invite the views of the Sessions Judge whether the prisoner's application should be granted or refused, and if it should be granted whether it is necessary to impose any conditions subject to which the remission of the sentence is granted. Please see section 401(2) of the Code of Criminal Procedure. The adaptation of the Act has not brought about any change in this provision. Perhaps a perusal of the entire catalogue of the representations made by the prisoner and the medical opinion expressed at various times will facilitate the Sessions Judge's arriving at a decision. If approved, the file may be sent u/o for favour of very early remarks.

ASRao
7-X-37

(from para 31)

Secretary.
13/10/37



12.10.37.

Sessions Judge, C.T.M. station, Bangalore.

M/o. No. 771-36/R.O.I, dated the 12th Oct. 1937

33

As the Secretary to the Government of Madras (Home Department) states in his letter No.3528 D/36-5 dated 30-9-37 to the Hon'ble the Resident in Mysore that both the Physician of the General Hospital Madras, and the Principal of the Govt. School of Indian Medicine consider that discharge from prison will probably improve the condition of the prisoner's health I am of opinion that the unexpired portion of the sentence may be suspended at present. The prisoner however should be liable to be rearrested to work out the remaining portion of his sentence at any time before the expiry of the period of sentence if the Hon'ble the Resident should think it fit to

P.T.O.

do so.

P Nanjundaya
District & Sessions Judge.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
22 OCT 1937
Regd. No. 10497
File No.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

U.O. NO. 4573/37 dated 22-10-'37

34 We must refer to Mysore first.

H Ramaiya
23/10/37.

Reference para 34 ante.

35 Draft submitted.

AsRo.
29.x.37

(para 35)

Secretary
36 Give some details : what is his disease ; how long he has been in hospital etc.

H Ramaiya
30/10/37.

pp. 46 to 49 enclosed. 37 Please see the memorial addressed to the Government of Mysore. In the absence of the address "through the Resident" it gave the impression that it is only a copy of the memorial sent directly to the Government of Mysore and copy sent here for information. But it appears it is the original memorial sent by the Government of Madras for purposes of being forwarded to the Government of Mysore. In the forwarding letter the Government of Madras do not ask this Residency either to forward the

the memorial to the Mysore Government. The memorial may now be sent. As this gives a complete history of the case, perhaps it is not necessary to furnish details as directed in para 36.

38 Revised draft is submitted for approval.

AsRao
8.xi.37

(from para 37)

Secretary.

9.11

S.N. 17. Issue.

P.a e
p. f.55

Dy.No. 12030 S.N. 18

39 Please see S.N. 17. Draft is submitted for approval.

AsRao
7-xii-37

(para 39)

9/12/37.

Secretary.

S. N. 19. Issue.

Dy.No. 12510 S.N. 20

Dy.No. 12517 S.N. 21

40 Draft to the Government of Madras is submitted for approval.

AsRao
19.xii.37

(para 40)

41 I am still a bit doubtful about this case; which is why I asked for details to be extracted

Secretary. we can issue draft to Madras anyway.

S.N.(22) issue

21/12/37.

Dy.No. 3476 S.N. 23

42 The only provision under which the prisoner can be "released on parole" appears to be contained in section 401 of the Code of Criminal Procedure. This section as applied to the Station empowers the Crown Representative or the Resident to suspend the execution of a sentence with or without conditions. No precedent was available either in this Office or the Coorg Office. The prisoner presumably has to perform some religious ceremonies on the death of his father.

43 Please see paras 3 and 26 of notes. It is to be hoped that the father of the prisoner was alive on the 23rd night to be dead on that date, or if he was alive he has really died on that date. There have been numerous petition for remission of sentence, which were turned down and one of which is now pending. Government cannot be too cautious when dealing with this prisoner. It appears release on parole may be granted under a suitable police guard. Draft is for consideration.

Submitted for orders.

ASRao 27.3.38

(from para 42)

Secretary. 45 Draft letter as may seem

Resident

S. N. 24. Issue.

Dy.No. 4329. S.N. 29.

49

The correspondence with the Government of Mysore on this subject ~~states~~ started with a clear enunciation of the position, which was that as the doctors were of opinion that discharge from prison would probably improve the prisoner's condition, Resident was inclined to grant a remission, but as the effect of the remission to be granted would be nullified if the prisoner were not granted a remission by the Mysore Government also, they were asked whether they would be disposed to grant a similar remission. Please see S.N.* 17. Draft submitted.

* Cor p. 54 (S)

A.S.Rao 23.4.38

(para 49)

Secretary.

50

Please

(1) Put up relevant rules of Madras Jail Manual.

(2). Calculate when he will normally finish the Sentence given to him in our Courts, counting in probable remission earned.

24/4/38

51

Please see rule 514 et seq.

52

The prisoner's nominal* roll shows that he has been earning remission at the rate of about 4 days in every month. At that rate he will earn 240 days in ~~every~~ his 5 years. The prisoner was further granted a remission of about 4 months and 10 days in November 1936. A further remission of 6 hours in the fore-noon for 15 days was sanctioned in March 1938. It is not known how this will be counted If this is counted as $3\frac{3}{4}$ days, he will have earned altogethe

* Cor. p. 16

4 Cor. p. 29 (Pl. Sa S.N. 10 p. 23)

* Cor. p. 73.

240+132+3¾ days, that is about 1 year and 18 days. The nominal roll shows that he is normally due for release on 17-6-1939. After deducting the remission as above it appears he would be due for release about the end of May 1938. But it is apparent from the nominal roll of date 7-9-1937, the prisoner has not been awarded remission as in rule 315. It is not known whether the same scale applies when a prisoner has been hospital, as he has been since March 1937. And the Government of Madras have also said that the period spent in hospital is remitted by them usually. In that case perhaps the Station sentence has already expired; but he has not yet been surrendered to the Central Jail because this Administration has not remitted the period spent in hospital during the present illness. Altogether it is rather difficult to say precisely when he is due for release. Perhaps an urgent communication may be sent to the Government of Madras, or the Inspector General of Prisons direct.

page 44

Cor page 32

S.R. 12

Cor. p 30.

A. Rau
28.4.38

(from para 50)

Secretary

53

The 4 months & 10 days in Hospital remitted means that he counts it as if it had been spent in jail. Nominal roll may be calculated on the same principle

2. This is undoubtedly a difficult case. The prisoner is a bad cheat, & has been petitioning about one thing or another every time that he can, while he has been in jail. S. No 17 was issued while I was away, on the basis of a previous note. In that case however perhaps I had intended to leave the

(* Probably due for release about next September).

decision to impose ; as we are concerned very little He is due out in a few months from our sentence : but has a sentence to serve under impose . when he finishes ours. Normally, one could not act upon the medical evidence seen by the Indian School of medicine in Madras, which is vague in the extreme ; & it is doubtful if he is going to die . Therefore under 574 Jail manual, we should not be justified in releasing him. However, it doesn't matter to us as it is only a few months at most; & I think we may say to Impose best. "It is only a few months before the sentence of the Cochin State Court expires, & in these circumstances the Resident proposes to release the convict, if Impose Impose to Suspend the sentence . "

D.T. may see : original letter returned

H Chalmers.

District Magistrate, Cantt. Station, Bangalore

Ref. No F. 771-36/R.O.I, dated the 2nd May 1938

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE
3 - MAY 1938
No.....
C. P. M. STATION

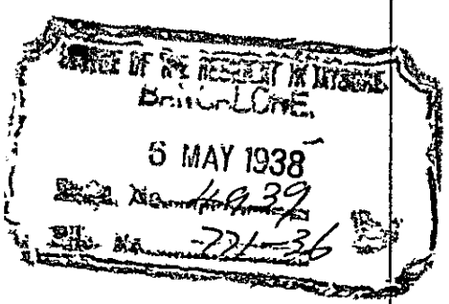
54 I agree.

Secy R. 6.5.38

6-5-38

S.R.O 1737-C-38.

with 1 Route & File.



55 Draft as amended may be issued,

H Twynam.
7/5/38.

Resident.

S. N. 30. Issue.

Await.
17/6/38

56

Dy.No. 5652	S.N. 31
Dy.No. 5675	S.N. 32

If approved, the Government of Mysore may be reminded. Draft submitted.

Asst.
30.5.38

H Twynam
31/5/38.

(para 56)

Secretary.

S. N. 33. Issue.

Await
28/6/38.

Dy.No. 5893 S.N. 34

57 Under section 401 of the Code of Criminal Procedure, Resident has power to remit the whole or any part of the sentence awarded to a person, and this remission may be unconditional or with conditions attached. The Sessions Judge recommended that a conditional remission might be granted. Please see a conditional remission case of 1936. But in view of the fact of the continued severe illness of the prisoner, and also the fact that the period of sentence will expire in a few months, it is perhaps unnecessary to impose conditions. The Government of Mysore presumably have not imposed any conditions in respect of their sentence of 2 years: their letter is silent, and they would have stated if it was a conditional remission.

58 Three drafts are submitted for consideration.

A.S.Rao 4.6.38

Secretary.

Resident

(from para 57)

6/6/38

S.N. 35, 36, and 37 issue.

Dy.No. 5909 S.N. 38

59 Please see S.N.'s 35 and 36. May be filed.

A.S.Rao 10.6.38

Supdt.

(para 59)

11.6.38

Await 7/7/38.

* put up.

para 33 of notes.

Cor.p.6 (T) F. 1365-36

* Cor.pp. 89, & 90

CORRESPONDENCE.

S.N.1

)C

C1

G.F.32

In reply, please quote number, date and short title.*

Jail DEPARTMENT.

Received 5/5/36 Registered

From (Name) Lieut-Col.M.H.Khan,I.M.S.,

(Designation) Ag.Inspector-General of Prisons,

Post Box ....., (Station) Mount Road,Madras.

Telegraphic Address Palamedico.

To

The Honourable the Resident in Mysore,

Bangalore.

No. 7269 *, date* 7th May *1936.*

Sir,

*

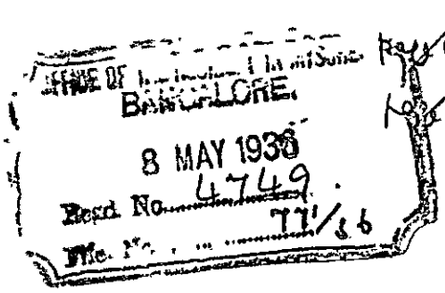
ENCLOSURES.....

SPARE COPIES.....

Jails- Central Jail, Salem- Convict No.5685 S.M.S. Aiyangar- Petition for remission of sentence etc., from the convict dated the 27th April 1936-

....

I have the honour to forward, herewith a petition for remission of sentence tendered by the convict referred to above together with the following papers for disposal.



(i) Nominal roll

(ii) Extract from punishment registers

(iii) Copies of judgments of the lower and appellate courts.

I have the honour to be,

Sir,

Your most obedient servant,

Personal Assistant
for Inspector General of Prisons.

tsv.

Central Jail
Salem
April 27th 1936

To,

The Honble The Resident
in Mysore
Bangalore

Honored Sir,

Yielding to the Still
voice of Conscience which persists
in its declaration of innocence when-
-ever I subject myself to self analysis,
Even though nearly two years have
passed since I was condemned to a
life of imprisonment by the Hands of Society,
I beg leave to approach you with these
few lines humbly praying for the benefit
of that Saving clause in the Cr. P. Code
which invests the Local Government
power to exercise Mercy to uphold
the Majesty of Justice, when Courts
fail to dispense justice based on
Truth

When things are seen
through a Coloured glass, Everything
looks Coloured. Likewise when a man's
Conduct is subjected to Critical Examination
with a well grounded knowledge that particular
man's Conduct was not good previously
it is very very difficult, in such circumstances
to get a clear cut The Complainant

in any litigation criminal or civil generally want to win over their enemies (the accused) and they will do anything in their power to gain that object. That is human nature. The aim of the police (in criminal cases) when they act as agents of the Complainants, is the same; i.e Win at any cost. The judge and the jury get only what the prosecution wishes them to know, and the sailing is easy when the accused stands undefended. If the accused happens to be one of those rare freaks of nature and is 'cheeky' enough to state his side of the case boldly to the judge and the jury, he is dubbed as a very clever criminal. The irony of it is the world believes them. No stone is necessary to frighten a wounded dog, just a show of hand is sufficient.

" In Every trial there is an unwritten chapter, the psychology of the accused. Most of that is hidden by a veil, which only the Eye of omniscience can penetrate. Yet within that veil the real Truth and tragedy are enacted; and if that region were revealed great chapters of the history of humanity would have to be re-written. Thus wrote a great judge and author. How precisely these words express the position of men like me who are grounded under the iron heal of so called modern methods utterly devoid of dharma. The unwritten chapter, which invariably reveals the Truth, if it all comes out, comes very late, too late to be of any practical value and that through channels unexpected.

I believe, it is to meet such circumstances final authority in the Hope of Mercy is vested in the Ruler.

I have been denied justice in the ordinary course, because I appear to be a man whose conduct was previously weighed and found wanting.

Sessions Case No. 1 of 1934 on the file of the Sessions Judge Civil Station Bangalore, was tried in a thick atmosphere. Prejudice was writ large in thought and deed. Nothing else would explain :-

I. The methods adopted to deprive me of the evidence of important defence witnesses. In spite of the learned sessions judge's laboured and lengthy explanation (Para 12 of the judgment) and its unquestioned acceptance by the Appellate Court (Para 7) the truth is here is one who dare to take the trouble of opening his eyes to see. My voice is feeble before them who sit in the seats of the mighty, but unto it is bound to come before the Judgment seat of the All highest Judge.

I can only beg you to call for the original letter addressed by the Munsiff magistrate to the Superintendent of the Bangalore Central Jail, in connection with the summoning of my defence witnesses, and to find out if all the witnesses allowed therein were summoned. Also to call for and see the original summons sent to D.W 1 to D.W-2. The existence of these people were denied in the endorsement on the summons when the public prosecutor announced that no defence witness excepting D.W's 1 & 2 could be procured and this from the Crime & Vulnerability

on my shoulders, a prisoner in custody, just to prove my bonafides and the unholy methods of the prosecution I requested the Court to urgently summon D.W.1 an official employed in the Central jail at Bangalore who happened to be a Lieutenant of D-W-2, to prove his existence. Likewise through P.W. 14, I had to prove the existence of D.W.1, and these just to save their faces they were urgently brought to the Court. But at what Cost. These two witnesses were to prevaricate on by men who too were sent to fetch them, that they failed to tell the whole truth.

If the secretary of the Bombay million Exchange Cited by me and allowed by the Court in the order referred to above was really summoned, he should have proved through his registers the existence of Messrs. Purushottamdas Lariwala & Co. in the absence of members of that firm who were also cited and allowed. As a safe guard I Cited this secretary, because I anticipated some mischief or meddling when P.W. 12 went to Bombay. The safe guard lies in the fact that this secretary person Could never go behind his books and would have identified certain signatures and definitely proved my bonafides. As in the instance of D.W.1/2 Summons were returned in Case of the partners Purushottamdas Lariwalas, and the secretary of the Exchange, a public Institution, Known also was not summoned.

Brushing aside the amazing leadership and stabbing in the back, the learned sessions Judge accepts the evidence of P.W.12 (the Sub Inspector who investigated the case & the man interested in the winning of the case) that no prima facie case (Purushothamdas Tarwala Exhibit-5) and ignites suspicion, condemnation I am a small fry, a prisoner in chains, an ex-convict. I can only lift my hands to God in abhorrence. When I read the suspicion contained in para 12, my body burns. What can I do. I am helpless, neither men nor money, nor advertisement and the untruth is openly enthroned.

If your honour in the power to question the learned Sessions Judge, I would beseech you on bended knees, as I would before God to thoroughly examine just this one vital point and to award me any punishment you might think fit and proper if you find even a shadow of falsehood in my statements.

II. The denial to submit Exhibit U (cheque for Rs 14,300) and two other important documents to the Examination of an handwriting Expert.

and the acceptance of the interested evidence of P.W.6, as to its genuineness.

III. The obstruction in ...

the denial of my right to fully Cross examine P.W 7 So as to bring out the real motive that prompted the Complainants to launch the prosecution on the score that it does not concern the Case inspite of documentary Evidence to the Contrary.

T. Fraud is essentially a study in psychology. State of mind of both the parties to the transaction one who cheats and one who is cheated, ought to be studied to arrive at a right understanding. Circumstantial evidence play no mean part. Visible evidence such as documents come only last or as a Corpus Stone. When there is ample evidence indicating questionable 'State of mind' or Conduct on the part of the Complainants which if examined in the right (unbiased) Spirit, would have allowed me atleast the benefit of doubt under the law were summarily ignored and the Conduct of poor me was one sidedly Questioned and Condemned. They have gone even to the extent of indicating that 'I Should have gone about hanging a tom tom round my neck announcing to Everyone with whom I Come into Contact with, that I am an Ex-Convict' ofcourse a laudable ideal Is it practicable?

Whereas such vital incidents as Stories as to his Status in life amounts false representations an important fact in a decision case,

as enumerated by the Complainant's
without a Scrap of documentary Evidence
to support, were accepted as true
without questioning whether Experienced
businessmen would ever part with
valuable property to a person unknown
to them without first satisfying himself
as to his status in life. The condition
in which I appeared before them
~~in~~ exhibiting no appearance of in
Evidence. Allowing that I have talked
about myself which is not natural
in ~~a~~ like Sir Bernard James and
Mrs ~~have~~ said to have been mentioned
by me were living only a stone's
throw from Their Office. The Truth
they have ~~not~~ set up the true fact
because they could not obtain
a Conviction if it is told, and I
prefered to appear as fools.

The Next thing which
entirely missed the notice of me
who judged my Conduct. What
Construction would an unprejudiced
human being ~~would~~ put (1) on
not turning into money the valuable
properties I have purchased from
Complainants, admittedly on credit
with no time limit fixed for payment
that were lying in my house and
at my disposal by alienating
if I was really pressed by penu
(2) by not foisting on them a d
cheque ... they were selling la
quantities of valuable jewellery an
escaping from Bangalore with a fo
and easily Carriable booty, when

when I was persistantly invited by them to attend the same. Is it one of dishonesty? Need any trig Govt. avail easily accessable booty and seek a monotonous, lath for a meas profit? do not These instances to quote only two give an insight to my mental state at that time.

A rich man, whose income is non-existence, may tell any amount of lies under the cover of a gentleman's cloak. They are all accepted as truth, by a great majority of the present day world.

Circumstances have killed me Socially and physically. I have not the means to expose my enemies. I have suffered sufficiently for the past 3 years (including the long under trial period) for my fault-in dealing with persons who do not respect their conscience, without first telling them about my 'past'. A Common human weakness or shyness, but not a crime.

I have unburdened a few instances from a big bundle of 'iniquity' in the hope your honour would be charitable enough to enquire fully into the whole conduct of the trial with a sympathetic heart and thereby undo, if however small a degree a grievous wrong done to a much misrepresented person. Either

by ordering a fresh trial presided over by a European Judge

or by reducing the sentence to atleast to the period I have already undergone

For which act of kindness & charity (remembering [illegible]) I shall ever be indebted to you.

Thanking you,

Yours most truly & obediently,

J. M. S. Tigairsir.

Superintendent.

Salem Camp. 4.5.36

S. N. 2

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / Memorandum / Telegram

Encl. 5

Issued Issue AsRao 19/5/36 23/5

Class for telegrams

Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No. F.771/36 R.O.I Dated 23rd May 1936

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

To

S.M.S.Aiyangar,
Convict No. 5685, Central Jail
Salem,

(Through the Superintendent
Central Jail, Salem).

Petition praying that a fresh trial may be ordered or that a remission of sentence may be granted.

× page 2 et seq

Encl. to S.M.S.

, S. M. S. Aiyangar,

With reference to his petition dated 27th April 1936, Convict No. 5685 is informed that there is no provision of Law under which a fresh trial can be ordered in his case× and that the Hon'ble the Resident declines to remit any portion of the sentence awarded by the Sessions Judge, Civil and Military Station, Bangalore, in Sessions Case No. 1 of 1934 on his file.

The enclosures to the petition are returned.

Sd. A. J. Courtney.

for Secretary to the Resident in Mysore.

Issue 19/5.

S. 5.
MGIPC—S1—158(Genl)MFP—(M-1983)—3-5-34—50,000 Pads.

AsRao 18/5/36

Hon Sd 417 S. N. 3.

3/7/36

From

DSRa 6/7.

Srimathi Kamalammal, (Mrs. S.M.S. Iyengar) of pundi (via) Walajanagar, North Arcot district.

Now residing at 33, Kandappa mudali Street George Town, Madras.

OFFICE OF THE RESIDENT IN MYSORE BANGALORE
4 JULY 1936
Regd No. 6619.
File No.

To

The Honble Lieut-Col., C.T.C. Plowden, C.I.E.,
Resient in Mysore, Bangalore.

Sir,

My husband Mr. S.M/S. Iyengar a "B" class prisoner (concerned in S.C. No.1. of the 1934 on the file of the Sessions court C & M Station Bangalore) is now seriously lying ill in the Madras General Hospital as an inpatient. He was brought from Salem Central jail on 15th May 1936 and admitted into the hospital on the recommendation of the Medical Officers Salem jail and the Penitentiary Madras. Since his condition is causing much anxiety I beg to place the following few lines for your kind consideration.

His failure to obtain justice based on truth and the questionable methods adopted by his enemies to run him down was slowly eating into his vitals from the begining. On the day of his conviction he was 165 lbs, when he was transferred from Bangalore to Vellore, he was 147 lbs and his present weight is less than 130 lbs. Through out the period he was taking medicine from the jail hospital as he was not able to assimilate his food. It has now developed into Chronic Gastritis (Ulcer) with complications in the region of Appendix. After trying medical treatment, other than what was tried in the jail hospital for over a month and finding the same showing no improvement, they have decided surgical operation other than

He has suffered sufficiently mentally, morally, and physically for having gone out of his way out of misplaced compunction to help a fallen brahmin woman, thereby creating powerful and influential enemies. For the crime of others he paid the penalty. My ill health at the time of the trial prevented me from being present at the trial, but I was horror struck when I learnt from Newspapers how the prosecution denied even the existence of several witnesses, witnesses whom I have seen and known for several years

years in person and how my unfortunate husband was handicapped. It is not my intention to say anything about his case here. It seems to me he had already placed them before you, some days before his removal to hospital.

I only want to plead for mercy on humanitarian grounds in consideration of his present state of health. Since his mother died of the same disease he is now suffering with, the need for my prayers for mercy becomes urgent. When I see the emaciated frame of my much misrepresented and abused husband I can with hold neither the tears that well up to my eyes, nor the thought of unjust treatments meted out to him by his enemies under the cover of law.

As an English gentleman I know you would appreciate my position. I come from a very respectable family and highly connected. God has given me sufficient means to live in comfort and to help my husband also to live likewise even if he does not earn anything. It is our past karma to live and suffer like this. He has always been a good husband and I know that his extreme soft heartedness lead him into troubles. He can never be cut and dry in his dealings with others and this defect in him ruined him for life.

I therefore, beg you to go through the records of his case and taking into consideration (of) his present state of health to remit the unexpired portion of his sentence and set him at liberty so that he may atleast die as a free person. If you think that imposing of any conditions for his release is necessary I am prepared to give an undertaking to keep him under the entire protection in my own house, and that he will not get into the clutches of las anymore if he surfives. For this act of kindness and charity I and my husband shall ever remain indebted to you.

I beg to remain,

Sir,

Your most obedient servant,

Kamalammal.

33 Kandappamudali Street
Madras
30.6.36.

S.N. 5

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.771-36 encl. 1
R.O. I.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Inspector-General of Prisons,

MADRAS.

Issued 22/7/36.

Dated Bangalore, 21st July 22nd *1936.*

Jails - Central Jail, Salem - Convict No.5685, S.M.S.Aiyangar - Petition for remission of sentence from the convict dated the 27th April 1936.

SIR,

S.N.4.

S.N.2. C.R.10.

I am directed to refer to your letter No.10688 dated 14th July 1936, and to forward for information a copy of memorandum from this Residency No.F.771-36/R.O.I. dated 23rd May 1936.

2. I am to say that the prisoner's wife has petitioned the Resident for the remission of the unexpired portion of the sentence on the ground that her husband is seriously ill. I am accordingly to request that if there is no objection, a report about the present state of the prisoner's health may kindly be furnished to this Residency.

The favour of an early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

for SECRETARY TO THE RESIDENT.

KS.

S. N. 6

C.F.32

In reply, please quote number, date and short title.*

Jail DEPARTMENT.

Received *Registered*

From (Name) Lieut-Col.M.M.Khan,I.M.S.,

(Designation)ag.Inspector-General of Prisons,

Post Box....., (Station) Mount Road,Madras

Telegraphic Address Palamedico.

OFFICE OF THE RESIDENT IN MYSORE, BANGALORE. 24 AUG. 1936 Regd. No. 8353. File. No. 771-36

To

The Secretary to the Hon'ble the Resident in Mysore,

Bangalore.

Sir,

Jails/39 No/1305-9, *date* 22nd August 1936.

Enclosures.....

Spare Copies.....

* S.N.5 Corr. p. 14. (S)

Jails - Penitentiary,Madras - Convict No.6329, S.M.S.Aiyangar - Petition for remission of sentence from the wife of the convict - Ref:-Your letter No.F.771-36/ROI.dated 21/22-7-1936.

I have the honour to forward,herewith,a nominal roll and medical case sheet relating to the prisoner referred to above and to add that the prisoner was transferred from the Central Jail,Salem to the Penitentiary,Madras for treatment at the Government General Hospital,Madras. He was admitted into the Government General Hospital,Madras as an in-patient on the 15th May 1936 and is still there.

The copies of judgments of the lower and appellate courts furnished with my letter No.7269,dated the 7th May 1936 may kindly be returned when done with.

* S.N.1 Corr. p. 1.

I have the honour to be,

Sir,

Your most obedient servant,

Personal Assistant

for Inspector-General of Prisons.

vss.

Judl. (Jail-II)-27—8,426—28-6-34.

C 16

FORM No. 52.

(See Rule 879, Jail Manual.)

(B) 3.

Nominal Roll of Male * Convict No. 6329, Name S. M. S. Aiyengar with a Sashadiri Iyengar a Desigan, Residence (Village, Taluk and District) Walajah N. Arcot Dt. Caste Brahmin, Present Age 54 years, Occupation a Sundararami Iyengar Engineer

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court and Calendar number of case.	Unexpired term of sentence after deducting remission earned. Y.	M.	D.	Present state of health and fitness to undertake a journey.‡	Result of appeal (if any).	Conduct in Jail.	Remarks.
Sec 420 & 75 I.P.C.	5 years R.I. for each offence The sentences to run Concurrently and N.R for 5 yrs. 18.6.34	Session Judge and Military Station Bangalore in S.C.No. 1/34	2	6	26	III	Confirmed. in C.A.No. 34/34 D 22.11.34	Admitted from C.J. Salem & transferred to the Central Prison Hospital.	Remission earned up to end of preceding month 98 days. Class B. Stat of Edu. A.

17.6.39
8.3
9.3.39
13.8.36
26.6.2

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

NOTE.—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of an escaped prisoner.

The Penitentiary JAIL,
23 8. 1936.

Lt-Col. Jones
Superintendent of Prisons

17)

PERSONAL AND DESCRIPTIVE MARKS.

Height - 5' - 10½"

1. A Scar at the root of Rt neck nearer the visage

2 A scar left shin just below the knee-joint.

3. A linear scar Rt arm pit

C18

Convict No.6329 S.M.S. Aiyangar.

Admitted Clive-Ward General Hospital - 15-5-1936.

Complaint. Pain in the abdomen, upper half for past 5 years.

History of Present Illness: Pain began in the epigastrium and for 2 or 3 years was not severe and the attacks came on only occasionally. For the last year the pain has been more or less constant. The pain used to start about 2 hours after a meal and last for about 2 hours. At that time the pain was relieved by taking powders.

The attacks were accompanied by a sensation of nausea but there was no vomiting. Pain kept patient awake at nights.

No history of jaundice.

Weight before entering the jail he states was 165 lbs. now it is 137 lbs.

EXAMINATION: Nothing abnormal to note on inspection. No visible peristalsis-Palpation reveals some tenderness in the epigastrium to the right side of the middle line.

The examination of the abdomen revealed very little save some vague impression of scattered painful areas.

Fractional Test meal-showed nothing abnormal.

Screening and X-Ray examination after a Barium meal showed irritable stomach with tendency to spasm where fundus joins the body of stomach. Empties rapidly; Caecum low placed- Appendix retro-caecal with delay in emptying of colon.

Visualization of Gall Bladder showed nil abnormal.

Treatment--Lavage of the stomach; Sipp's diet with olive oil, Belladonna and alkalies afforded but temporary relief.

The only possible condition which had not been excluded was chronic appendicitis and as the patient was more than willing for operation, the appendix was removed on 26-6-1936 and the Pathologist reported "Chronic Appendicitis".

The appendicectomy was done through a para median incision to allow of examination of the gall bladder and stomach. These showed no evidence of disease.

19)

After the operation the patient expressed himself as much better but has again relapsed into his former condition of attacks of severe pain.

I can find no definite organic lesion which can be treated apart from a general debilitated condition.

I suggest that he keep on light diet and resorts to alkalies and olive oil when the "attacks" occur.

Government General Hospital, Madras, 10th August 1936.

Sd. M.M. Cruickshank,
Lieut-Col. I.M.S.,
Surgeon.

(True Copy)

Lieut-Col. I.M.S.
Superintendent of Prisons.
12/8/36.

S.C. 1

FROM

THE SECRETARY

TO THE HON'BLE THE RESIDENT IN MYSORE.

To

Mrs. Kamalammal,
33, Kandappa Mudali Street,
George Town, Madras.

MEMORANDUM No. F. 771-36 / R.O. I

Dated Bangalore, the 5th Sept. *193* 6

PETITION PRAYING THAT A REMISSION OF SENTENCE MAY BE GRANTED.

S.N.B / C.F.12

With reference to her petition dated 30th June 1936, Mrs. Kamalammal is informed that the Hon'ble the Resident sees no reason for the remission, on medical grounds, of the sentence awarded to her husband, S.M.S.Aiyangar. Her petition is therefore rejected.

4/9.

SECRETARY TO THE RESIDENT.

BJ

S.N.8

Jail DEPARTMENT.

In reply, please quote number, date and short title.*

Received *Registered*

From (Name) Lieut-Col.A.M.Khan, I.M.S.,

(Designation) ag.Inspector-General of Prisons,

Post Box ....., (Station) Mount Road, Madras.

Telegraphic Address Pnlamedica.

Office of the Resident in Mysore To BANGALORE.
3 SEPT. 1936
Regd No. 9622
File. No.

The Secretary to the Hon'ble the Resident in Mysore,

Bangalore.

Jails.39/ *No.* 13260, *dated* 26th Septr. *19* 36

Sir,

Jails - Penitentiary, Madras - Convict No.6329, S.M.S. Aiyangar - Petition for remission of sentence from the wife of the convict.

ENCLOSURES.....

.....

.....

SPARE COPIES..... x S.N.6 Comp. 15 (S)

In inviting a reference to my letter No.Jails.39/13059, dated 22-8-1936, I have the honour to request you to kindly return the copies of judgments of lower and appellate courts which formed an enclosure to my letter No.7269, dated 7-5-1936 together with the orders, if any passed on the petition of the wife of the convict. The convict is still in the Government General Hospital, Madras.

xx S.N.1 Comp.1.

I have the honour to be,

Sir,

Your most obedient servant

Personal Assistant

for Inspector-General of Prisons.

vss.

S.N.9

122

Issue
A.Rao
13/10

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / Memorandum / Telegram

No. F.771-36 Dated 19th October 1936

R.O.I

Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

Class for telegrams

Issued
M.P.
19-10-36.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams)

To

The Inspector-General of Prisons, Madras,

Jails - Penitentiary, Madras - Convict No.6329, S.M.S.Aiyangar- Petition for remission of sentence from the wife of the convict,

---

Sir,

I am directed to refer to your letter Jails.39/No.15260, dated 26th September 1936, and to say that as the copies of judgments referred to were sent to the convict on the 23rd May 1936 with the memorandum communicating the orders of the Local Government, fresh copies of judgments of the lower and appellate courts are forwarded herewith, along with a copy of orders passed on the petition for remission submitted by the convict's wife.

I have etc.,

for Secretary to the Resident.

12/10

× (P.U.C) S.N.8

y S.N.2 Cor. p.10

S.N.7 Cor. p.20

S. 5.
MGIPC—S1—158(Genl)MFP—(M-1933)—3-5-34—50,000 Pads.

A.S.Rao
10.X.36

S. N. 10.

(23

HOME DEPARTMENT

No.2512 D-1.

From

H. M. Hood Esq., C.I.E., I.C.S.,

Secretary to the Government of Madras,

To

The Hon'ble the Resident in Mysore,

B a n g a l o r e.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
16 NOV. 1936
Regd No. 11224
File No. 774/36

Dated, Fort St. George, the 14th November 1936.

Sir,

Convict - Period spent in hospital - Penitentiary Madras - No.6329, S.M.S. Aiyangar alias Seshadri Aiyangar alias Desigan etc.

I am directed to say that the convict cited above was convicted under Sections 420 and 75 I.P.C. and sentenced to rigorous imprisonment for five years and to notify his place of residence, absence from or changes thereof to the police for five years after release, by the Sessions Judge of the Civil and Military Station, Bangalore in S.C. No.1 of 1934. He is at present undergoing imprisonment in the Penitentiary, Madras. During his imprisonment he had to be sent to the Government General Hospital, Madras from 15th May 1936 to 25th September 1936 for special treatment on account of gastric ulcer.

2. The period spent by a convict undergoing treatment in a civil hospital is usually remitted by this Government under Section 401 Criminal Procedure Code excluding the dates of admission into and discharge from the hospital. As the convict in question was convicted by the Sessions Judge, Civil and Military Station, Bangalore, the period spent by the convict in the hospital cannot be remitted by this Government.

242.

3. I am to request that such action as may be deemed necessary may be taken in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government.

C25

Form No.52.

Nominal roll of male convict/~~inmate~~ No.- 6329 B-3

N a m e.- S.M.S. Aiyangar alias Seshadri Aiyangar alias Desigan etc.

Residence.-
(Village, Poondi
Taluk, Walajah,
& District).- North Arcot

C a s t e.- Hindu, Brahmin

Present age.- 54 years.

Occupation.- Engineer

.....

Section and Code under which imprisoned.	420 and 75 I.P.C.
Original sentence of order and date.	Five years R.I. and notifying residence for five years - 18-6-1934
Adjudicating Court and Calendar No.of case.	S.C.No. 1/34 Sessions Judge, Civil and Military Station, Bangalore.
Unexpired term of sentence, after deducting remission earned.	Y. M. D. 2 9 24.
Present state of health and fitness to undertake a journey.	III L.
Result of appeal (if any)	Confirmed
Conduct in Jail.-	New admission

Remarks - Remission earned up to end of preceding month 98 days.
'B' Class Education 'A'
Received by transfer from the Central Jail, Salem on 15th May-1936 for special treatment in General Hospital, Madras.

***

The Secretary Govt
15.5.36

Brief medical history sheet of 'B' class convict No.6329 S.M.S. Iyengar.

Ever since his admission in this Jail he complains of acute pain and tenderness in the region of his stomach and even liquid diet he could not digest properly and there is always a tendency for vomiting.

He has depressed look, tongue coated, Pyorrhoea Alveolaris present. Tenderness elicited in the upper part of the abdomen. Bowels constipated.

As the patient seems to be suffering from gastric ulcer I recommend and certify the necessity of admitting him into the Government General Hospital, Madras, for various examinations of his alimentary tract as an in-patient, as it is not desirable that he should be going as an out-patient in this present weak condition; and further treatment by experts.

A copy of the medical case sheet received from the Central Jail, Salem, is herein enclosed.

Sd/-
Lieut.Col.I.M.S.,
Medical Officer.

The Penitentiary, Madras,
dated the 15th May 1936.

***

Copy of medical case sheet of convict No.5685 S.M.S.Iyengar confined in the Central Jail, Salem, dated 12.5.36.

C.No.5685 S.M.S.Iyengar.

Age 49. Sentence 5 years.

Date of sentence 1-3-1935.

Date of admission into this Jail 4-7-1935.

Weight on admission 147 lbs.

Present weight 137 lbs.

Disease. Chronic gastritis. Gastric ulcer?

Previous history.- He has been a chronic dyspeptic for the last 5 years.

Present history.- This convict complains of acute pain and tenderness over the gastric region with nausia. The pain is increased

27)

increased by taking any food or by pressure over the gastric region. His appetite is poor and bowels always constipated. He is suffering from Pyorrhoea Alveolaris. His transfer to General Hospital, Madras is recommended immediately for X-ray examination and treatment.

***

S.N. 11

28

DEPARTMENT.

BRANCH.

File No.

Serial No.

Issued MP 30/11/36.

Issue. AsRao 27.11. encl.1

Draft Letter / Memorandum / Telegram

No. F.771-36 R.O.I Dated 30th November 1936

Class for telegrams

Ordinary
Express
Urgent*
Priority
Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams)

(P.W.C) S.N. 10

To

The Secretary to the Government of Madras, Home Department,

Subject:- Remission of sentence awarded to convict No.6329, S.M.S. Aiyangar. with aliases,

Sir,

With reference to your letter No. 2512 D-1, dated the 14th November 1936, I am directed to forward for information a copy of the Proceedings of the Hon'ble the Resident No. F.771-36/R.O.I dated the 30th November 1936, remitting the period spent by the convict undergoing treatment in hospital.

I have etc.,

Secretary to the Resident.

26/11.

27/11.

AsRao 21.xi.'36.

25 X 36 30 XI

L. 5.

(GIPC—S1—158(Genl)MFP—(M-1031)—3-5-34—50,000 Pads.

(29

Proceedings of the Hon'ble the Resident in Mysore,

No.F.991-36 R.O.I Dated, Bangalore, the 30th Novr. 1936.

Read:-
Letter from the Government of Madras, Home Department, No.2512 D-1, dated the 14th November 1936.

* S.N. 10
Cor f 23
(Rules)

Order.

Under the powers conferred by Section 401 of the Code of Criminal Procedure, (Act V of 1898) as applied to the Civil and Military Station, Bangalore, the Hon'ble the Resident is pleased to direct that the sentence awarded to S.M.S.Aiyangar, with aliases, by the Sessions Judge, Civil and Military Station, Bangalore, in Sessions Case No. 1 of 1934 on his file, be remitted to the extent of the period spent by the said convict undergoing treatment in the Government General Hospital, Madras from 15th May 1936 to 25th September 1936, excluding the dates of admission into and discharge therefrom.

26/11

27/11.

Secretary to the Resident.

A.S.Rao 21.xi.'36

30/11/36

S. N. 12.

30

Home Department.

Ref. No. 3528 D-4.

24 MAR. 1937
File No. 3115

From

H. M. Hood Esq., C.I.E., I.C.S.,
Secretary to the Government of Madras.

771/36

To

The Hon'ble the Resident in Mysore,
Bangalore.

Dated Fort St. George the 22nd March 1937.

Sir,

Convict - Central Jail, Salem - No.6437, S.M.S. Aiyangar - Removal to hospital for special treatment.

****

I am directed to say that convict No.6437, S.M.S.Aiyangar who was convicted under sections 420 and 75 Indian Penal Code by the Sessions Judge of the Civil and Military Station, Bangalore, in S.C. No. 1 of 1934 and sentenced to Rigorous Imprisonment for five years and five years' police surveillance, is undergoing imprisonment in the Central Jail, Salem. As he is seriously ill this Government on the recommendation of the Medical officer of the jail have ordered in their Memo No.3528 D-3 dated 22nd March 1937 (copy enclosed) the removal of the prisoner to the hospital attached to the Government School of Indian Medicine for special treatment.

2. The period spent by a convict in undergoing treatment in a civil hospital excluding the dates of admission to and discharge from the hospital is usually remitted by this Government under section 401 Criminal Procedure Code. In this case however, this Government are not competent to sanction the remission since the convict was convicted by the Sessions Judge, Civil and Military Station, Bangalore. The dates of the

convict's

31)

convict's admission into the hospital, discharge therefrom and readmission into the jail will accordingly be intimated to you in due course for such action as you may consider necessary.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Govt.

Government of Madras.

Home Department.

Memorandum No. 3528 D-3 dated 22nd March 1 9 3 7.

Convict - Central Jail, Salem - No.6437, S.M.S.Aiyangar - Removal to the hospital attached to the Government School of Indian Medicine. Reference correspondence ending with the Inspector General's letter No. R.o.c. Jail 442/37, dated 10.3.1937.

****

The Government order the removal under Rule 515-B of the Madras Jail Manual of the convict referred to above to the hospital attached to the Government School of Indian Medicine, Kilpauk, Madras. A bond in form No. 61-B should be obtained from the prisoner before his removal to the hospital substituting the words "The Hon'ble the Resident in Mysore", for the words "The Governor-in-Council". The report as to the dates of the convict's admission into the hospital, discharge therefrom and readmission into the jail is awaited.

H.M.Hood,

Secretary to Government.

To

The Inspector General of Prisons.

S. No. 14

37

Madras,

7th September 1937

From,

Mrs. S. Kamalammal,

C/O Mr. M. Vedanthachariar,

9, Saravana Perumal Mudali Street,

Purasawalkam, Vepery, M a d r a s.

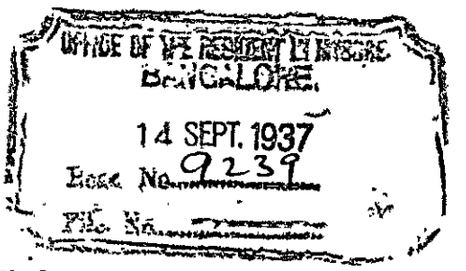
To,

The Hon'ble Lt. Col.

C. T. C. Plowden, C.I.E.

Resident in Mysore,

B a n g a l o r e.



Sir,

I humbly beg to bring the facts mentioned below, for your immediate kind and sympathetic consideration; for unless you look into them forthwith, I would be losing for certain a life which is valuable to me.

2. Ever since my husband Mr. S.M.S. Aiyengar was convicted and sentenced on 18-6-1934 by the Sessions Judge C & M Station he is ill. In May last year, prison medical authorities found that they could not cure his complaint. So they have sent him for treatment by experts at the Madras General Hospital.

3. While he was there and before his stomach was operated on, I have submitted a petition to your honour on his behalf detailing his physical sufferings and expressing my apprehensions based on independent medical advice.

4. That petition of mine came back after sevaral weeks to the Surgeon of the General Hospital, Lt. Col. M.M. Cruickshank, I.M.S. for his remarks. It was some six weeks or so after

the

387

the operation. The operation was considered as successful at that time. Everyone hoped so. Naturally the surgeon must have expressed the view that prevailed then which is reflected in your memorandum No.771-36/R. O. I. dated 5th September 1936.

* S N.7 (5)
Corrh.20

5. But unfortunately a few weeks after his submission of the report he found the expected result not produced. After further examination in consultation with Capt.R.L.H. Minchin, M.D. I.M.S., the Surgeon transferred my husband to the Medical Ward for further medical treatment. Capt. Minchin finding the case a difficult one, after some six weeks under him, recommended to the Jail authorities my husband's discharge from prison.

6. Just about that time your memorandum referred to in para 4 above reached my hands. Considering the circumstance mentioned in para 5, I thought it not necessary to apply to you further.

7. But the expert's recommendation was delayed or shelved by some one in the Jail department for a pretty long time; effect was not given to it and my husband was taken back and lodged in the Jail hospitals. The conditions, the environment, administration of some old medicines that originally failed to give him any relief, and the absence of suitable nursing that he obtained at the General Hospital aggravated and increased the disease.

8. Finding no relief coming from your Government as the result of Capt. Minchin's recommendation, and unable to bear the torturing physical pain, under advice from friends and well wishers, my husband applied to Government praying them to place him under Ayurvedic medical treatment in the Government School of Indian Medicine at Madras. Even though Lt. Col.

N. K. Bal, M.C., I.M.S. recommended his prayer, finding no improvement in my husband's condition, that petition was not attended to in time. After the elapse of several weeks when the whole affair was brought to the notice of the District Collector, Salem, who happened to see my husband personally in prison, the file came back for fresh opinion of the Medical officer, Major Alagappan, I.M.S. He also recommended and substantiated the opinion of the previous medical officers that attended on the patient to the effect that his condition has not improved. Subsequently your Government's sanction arrived and the patient was brought to Madras and placed in G.I.M.S. Hospital. How much we felt indebted to your Government for that prompt sanction as soon as the papers were placed before you, we could never sufficiently express in words. My husband's condition was so worse at that time.

9. Since admission in the above Ayurvedic Hospital, the Doctors gave him several medicines. It is over five months. Apart from a slight improvement in irritation, his condition has not improved. They have taken sevaral X-Ray photographs of his stomach. The Doctors here consider the case a chronic one and that it would take several months administration of medicines under ideal conditions. Doctors generally give hopes. Only some hours before the expiry of the patient they will open their hands and say useless.

10. The patient is in bed for the past 18 (eighteen) months. He could take only liquid diets. His stomach has lost its tone so much so that, he cannot even take and assimilate any medicines given to him, and benefit thereby. Now a days they are passing medicine into the system by giving medicated enema (Vasthi) daily. How long this state of

things

40)

things would go on God ~~above~~ alone knows..

11. We find the depressed and disciplined environment in which he is placed tells not a little on his already worn out health. Doctors also think that he might improve under changed conditions in a freer atmosphere.

12. In view of the fact that the Government have expended a lot of money over him all these years, without any good result, and under his present circumstances we could neither try any other system of medicine nor consult other expert medical men of our choice even at our expense, it has occured to me that I should make a special to you.

~~xxx~~ He has finished over two-thirds of his sentence. His health is so shattered that there is no likelihood of his ever doing anything hereafter amounting to a crime under the penal code. THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE ARE PREPARED TO CONSIDER the remission of the sentence he has to undergo in that state after the expiry of the C & M Station sentence, IN CONSIDERATION OF HIS CONTINUED ILLNESS, SHOULD YOUR GOVERNMENT REMIT THE BALANCE OF HIS SENTENCE. Here, I wish to add that the state sentence was awarded to him on the same documentary and oral evidence that was adduced in the C & M Station case. The whole thing happened on an enmity caused through a woman whom my husband (out of mistaken sense of charity and social service) wanted to help.

13. I venture to submit that the object of sentence has been accomplished a thousandfold. I understand that you would be laying down office shortly and going home. You would be doing a great piece of charity on the eve of your retirement if you would kindly call for all the medical papers

connected

connected with him go through them, yourself or consult any independent medical officer of your choice, if necessary, and remit the balance of his sentence.

This would enable me to try, as a last chance, some other experts. I would have the satisfaction that I have done everything one possibly could. I come from a respectable family and highly connected. I am anxious to avoid the slur that my husband diéd while a prisoner.

I need not add that I and my family would pray for your long x life and prosperity, for the troubles you may take in considering the case urgently, and kindness shown,

I beg to remain,

Sir,

Your most obedient servant,

B. Kamalammal.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

S. N. 15

42

No. F.771-36
R.O. I

Issued 17/9/37.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Inspector-General of Prisons,

Madras.

Dated Bangalore, 17th September 1937.

Grant of remission of the sentence awarded to S.M.S. Aiyangar.

SIR,

I am directed to say that the wife of Convict No. 6437 in the Central Jail, Salem, (S.M.S. Aiyangar), has petitioned the Hon'ble the Resident for the remission of the unexpired portion of the sentence on the ground that her husband is dangerously ill. I am to request you if there is no objection, to send a report on the present state of the prisoner's health with your recommendation as to any action which should be taken. The favour of an early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

o/c Sd. A. J. Courtney.

for Secretary to the Resident.

NS

S.N. 16

43

HOME DEPARTMENT

No.3528 D/36-5.

---oOo---

From

H. M. H o o d Esq., C.I.E., I.C.S.,

Secretary to the Government of Madras.

To

The Hon'ble the Resident in Mysore,

Bangalore.

Dated, Fort St.George, the 30th September 1937.

---oOo---

Subject:-Convict - Central Jail - Salem - No. 6437, S.M.S. Ayyangar - Petitions for remission of sentence to Hon'ble the Resident in Mysore and to the Mysore Government dated 5th August 1 9 3 7.

In continuation of my letter No.3538D-4 dated 22nd ~~23rd~~ March 1937, I am directed to forward two petitions for remission of sentence from convict S.M.S. Ayyangar who is still undergoing treatment in the hospital attached to the Government School of Indian Medicine, Madras. I am to add that both the Physician of the General Hospital, Madras and the Principal of the Government School of Indian Medicine consider that discharge from prison will probably improve his condition.

I have the honour to be,

S i r,

Your most obedient servant,

For Secretary to Government.

1 1 1

FORM No. 52.

Judl. (Jail-II)-37—7,191—4-d.-*

(See Rule 879, Jail Manual.)

Nominal Roll of Male * Convict No. † 6437 B.3, Name S M S Aiyengar lorry alias Poondi Balayyah, Residence (Village, Taluk and District) North Arcot Caste Hindu-Pariahan, Present Age 55 years, Occupation Engineer

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court and Calendar number of case..	Unexpired term of sentence after deducting remission earned. up to 29.3.37			Present state of health and fitness to undertake a journey.‡	Result of appeal (if any).	Conduct in Jail.	Remarks.
			Y.	M.	D.				
Sec 420 I.P.C	5 years R I in each offence to run Concurrently N.R. in 5 years. 18.6.34	Sessions Judge Civil & Military Sd Bangalore S.C. 1 of 1934	1	10	20	Not known	Dismissed	Good.	Remission earned up to end of ~~preceding month~~ Feb 1937 days. 418 days. B. class. B. class diet Literate.

N.B.

The prisoner should be sent to the Central Jail Bangalore after the expiry of the present sentence under the Indian Extradition Act.

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

NOTE.—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of an escaped prisoner.

Salem Central JAIL,
7.9. 193 7.

17.6.39.
29-3-37.
18-2-2
28-3
20-10-1

29.3.37.
Released temporarily and sent to Govt School of Indian medicine, Kilpauk Madras for treatment as per Govt memo no 3528 B3 D 22.3.37.

Rhsw

45)

PERSONAL AND DESCRIPTIVE MARKS.

Left

1) Scar. at the root of the Rt neck nearer to the nape

2) Scar left Elbow Just below the Knee Joint

3) a linear Scar Right Arpeee Brh.

Height. 5'. 10½

150

6- SEP 1937

Pg 6422 6/9/37

Pg 53

04737

Government School of Indian Medicine
Hospital.
(Ayurvedic Ward)

Kilpauk, Madras, 5th August 1937

From

Mr. S.M.S. Aiyangar,
'B' Class Prisoner of Salem Central Jail
now undergoing medical treatment
in the above Hospital.

To

The Hon'ble The Resident in Mysore,
Bangalore.

Through

The Superintendent,
G. S. I. M. Hospital,
Kilpauk, M a d r a s.

and through

The Superintendent,
Central Jail, Salem.

Honoured Sir,

Almost from the beginning of my imprisonment for the past three years, I have been suffering from gastric trouble.

I am bed ridden for the past 16 months, living on liquid diet.

Surgical and medical treatment at the Madras General Hospital did not improve my condition, and in consequence the General Hospital Physician (Captain Minchin I.M.S.) recommended my release from prison.

As the submission of the above recommendation to Government was delayed and as I was not able to bear the pain meantime I prayed to the Government that I may be given a chance to try Ayurvedic treatment.

57)

The delay that ensued between my discharge uncured from the General Hospital Madras and the time by which the Government order was received sanctioning my transfer to the Ayurvedic Hospital has aggravated and increased the disease.

Since my coming here, for the past 4 months several tried ayurvedic medicines were given to me but they have not shown any encouraging improvement. It seems my stomach has lost its tone and is incapable of assimilating the medicines to advantage and in consequence the process would be slow. The disease has become so chronic that it would take a very long time to yield. It also seems that a -- change of environment free from discipline and depression would do me good. Taking everything into consideration I am convinced that at the most any medicine that I might take could only act as a palliative and prolong my suffering life for some more time and a complete cure is out of the question. The disease has advanced and would end my life.

Under the circumstances, I hope I shall be pardoned if I humbly request you to kindly re-consider my case and remit the balance of my sentence and set me at liberty so that I may end my last days in peaceful surroundings at home.

By this act of kindness and mercy I need not say, you would be placing myself and all the members of my family under a deep debt of gratitude to you.

I am enclosing a copy of the order received from the Government of Mysore by my wife so long ago as 30th July 1936 for your information.

I beg to remain,
Honoured Sir,
Your most obedient servant

S. M. S. Aijangar.

Confdl No 4737-1
4/9/37

Office of the Govt. Indian Medical School Hospital,
Kilpauk, Madras.

II. 55 Dated 4-9-193). 52

Forwarded.

2. His condition will probably be improved if he is discharged from Jail and treated under conditions where he would be free from the depressions which Jail life and Police guard seem to produce in him.

Principal,
Government Indian Medical School.

To The Superintendent
Central Jail Salem

153

56

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 27/28th July 1936

No. P.797/ C.5.3-36-6

Srimathi Kamalammall,
33. Kandappa Mudali Street,
Georgetown, Madras

With reference to her memorial dated 30th June 1936 praying for remission of the Sentence passed on her husband S.M.S.Iyengar by the City Magistrate,Bangalore, Srimathi Kamalammal is informed that if the Sentence of imprisonment passed on her husband by the Sessions Judge, Civil and Military Station, Bangalore is remitted and the prisoner submits a memorial thereafer to this Government praying for remission on the ground of continued illness, the matter will be considered.

By order

Sd./ Illegible.

for Chief Secretary to Government

(True copy)

S.N-17

(54

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No.771-36
R.O4

Issued 16/11/37.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 10th November *1937*

REMISSION OF THE UNEXPIRED PORTION OF THE SENTENCE OF S.M.S.AYYANGAR.

SIR,

I am directed to forward a memorial addressed to the Government of Mysore by S.M.S.Ayyangar. A similar memorial has been sent to the Hon'ble the Resident asking for a remission of the sentence imposed by the Sessions Judge, Civil and Military Station, Bangalore, in Sessions Case No.1 of 1934. As the Physician of the General Hospital, Madras, and the Principal of the Government School of Medicine consider that discharge from prison will probably improve his condition, the Hon'ble the Resident is inclined to grant a remission of the unexpired portion of his sentence. As the effect of the remission proposed to be granted by the Resident will however be nullified if the prisoner is not granted a remission by the Government of Mysore also, I am to enquire whether the Government of Mysore will be disposed to grant a similar remission.

I have the honour to be,

Sir,

Your most obedient servant,

o/c

SECRETARY TO THE RESIDENT.

kan.

BJ

55

S.N. 18.

Madras, 3rd December 1937.

From

Mrs. S. Kamalammal,
C/o Mr. M. Vedantacharier,
9 Saravana Perumal Mudali Street,
Purasawalkam, Vepery, Madras.

To

The Hon'ble Lt. Col. C.T.C.Plowden,

Resident in Mysore,

Bangalore.

Sir,

I understand from the news columns of the Daily Hindu that your honour would lay down office shortly and go home.

So long ago as 7th September 1937 I have forwarded a petition to your honour, on behalf of my long ailing husband S.M.S. Aiyangar an impatient in the Indian Medical School Hospital at Madras. Some time last month when I had to go to my village for a couple of days I heard that some police constable had been to my place making enquiries regarding my properties etc. from the village munsiff. Afterwards I have heard nothing.

Whatever may be the outcome of that enquiry I take this opportunity to assure you that I possess sufficient property and income to take charge and maintain my husband so long he lives. I am a very near relative of Professor P.Seshadri, Principal Government College Ajmer, and Mr. P. Ramanujachariar Retired Asst. Inspector of Schools now at 6, Sriparam Street Royepattah, Madras who take active interest in my family. If necessary a reference may be made to them.

It is our intention if he recovers from his chronic ailment, for which I am told there is no prospect, to retire him to our village Pundi, Walajah Taluk N.Arcot Dt.

I pray for an early favourable consideration of my petition referred to above, at your hands, as a boon on the eve of your retirement.

I beg to remain,

Sir,

Your most obedient servant,

S. Kamalammal.

S. No. 1-7

(6)

Issue
AsRao
9/XII

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft ~~Letter~~ / Memorandum / ~~Telegram~~

Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No. F.771-36 R.O.I Dated 11th Decr 19 37

Class for telegrams

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

To

Mrs. S.Kamalammal,
c/o. Mr.M.Vedantachariar,
9 Saravana Perumal Mudali
Street, Purasawalkam, Vepery,
Madras.

Petition praying that a remission of sentence may be granted.

With reference to her petitions dated the 7th September 1937, and 3rd December 1937, Mrs.Kamalammal is informed that the question of the remission of her husband's sentence is under the consideration of the Hon'ble the Resident, ~~in consultation of the Government of Mysore.~~

Sd. H. Prevelyan.

Secretary to the Resident.

* S.N. 14 (5)
Con. p. 37

P.U.C
S.N. 18

AsRao
9-XII-37

MGIPC—S1—2226(S&P)MFP—(M-2216)—3-2-37—50,000 Pads

S.N. 20

157

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Rol 667 Ecd 2
Ch 17-37-16

Dated, Bangalore, 14th December 1937

771/36.

From

M. VENKATESA IYENGAR, Esq., M.A.,
General *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

RESIDENT IN MYSORE & Miss
BANGALORE.
16 DEC. 1937
Regd No. 12510
File No. 771/36.

Sir,

With reference to your letter No.F.771-36/R.O.I dated 10th November 1937 regarding the remission of the unexpired portion of the sentence of S.M.S. Iyengar, I am directed to state that the forwarding Memo of the Principal, Government Indian Medical School Hospital, Madras (which has been pasted on the memorial of the prisoner and does not mention the name of the prisoner-patient) gives no information regarding the nature of the disease from which the prisoner is suffering. The rule in this behalf in the Mysore Jail Manual requires the Medical Officer in charge of the Jail to certify that the illness of the prisoner has not been caused or aggravated by any acts committed by the prisoner in order to procure release, and that the prisoner will certainly die shortly if he remains in confinement but that he will have a fair chance of recovery if he is released. The Medical Officer should also append a full statement of the medical case and of the reasons which lead him to the belief expressed in the certificate. I am to request that, if there is no objection, the principal of the Government Indian Medical School, Madras, may be requested to forward a certificate satisfying these requirements regarding this prisoner and that the certificate of the physician of the General Hospital, Madras may also be kindly sent for reference; and to state that if these documents satisfy the requirements of the Mysore rule this Government will be prepared to remit the Mysore sentences in the event of the Hon'ble the Resident remitting the portion of the Civil

P.T.O.

and Military Station sentence against the prisoner still remaining.

The enclosures received with your letter under reference are returned herewith.

I have the honour to be,

Sir,

Your most obedient servant,

B.K. Ramakrishna Aiya

for General Secretary to Government.

CRA.

RS

Government School of Indian Medicine
Hospital
(Ayurvedic Ward).
Kilpauk, Madras, 5th August 1937.

From

Mr. S.M.S.Aiyangar,
'B' Class Prisoner of Salem Central Jail
now undergoing medical treatment in
the above Hospital.

To

The Chief Secretary to Government of
His Highness the Maharaja of Mysore, Bangalore.

Through
The Superintendent,
G.S.I.M.Hospital, Kilpauk, Madras.

and through
The Superintendent,
Central Jail, Salem.

Honoured Sir,

Almost from the beginning of my imprisonment, for the past three years I have been suffering from gastric trouble.

I am bed ridden for the past 16 months, living on liquid diet

Surgical and medical treatment at the Madras General Hospital did not improve my condition and in consequence the General Hospital Physician (Captain Minchin I.M.S.) recommended my release from prison.

As the submission of the above recommendation to Government was delayed and as I was not able to bear the pain meantime I prayed to the Government that I may be given a change to try Ayurvedic treatment.

The delay that ensued between my discharge uncured from the General Hospital, Madras and the time by which Government order was received sanctioning my transfer to the Ayurvedic Hospital has aggravated and increased the disease.

Since my coming here, for the past 4 months, several tried Ayurvedic medicines were given to me but they have not shown any encouraging improvement. It seems my stomach has lost its tone and is incapable of assimilating the medicines to advantage and in consequence the process would be slow. The disease has become so chronic that it would take a very long time to yield. It also seems that a change of engironment free from discipline and depres-

ion

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depression would do me some good. Taking everything into consideration, I am convinced that at the most any medicine that I might take could only act as a palliative and prolong my suffering life for some more time and a complete cure is out of the question. The disease has advanced and would end my life.

*** Therefore I am simultaneously submitting a petition to the Honourable the Resident in Mysore, praying for a remission of the balance of my sentence in the Civil and Military Station case.

Under the circumstances, I hope I shall be pardoned if I humbly request you to kindly re-consider my case and remit the sentence of imprisonment I have to undergo in your State after the Civil and Military Station sentence, and set me at liberty so that I may end my last days in peaceful surroundings at home.

(A suspicion has arisen in my mind that the Civil and Military Station Government might consider their liability to surrender me to your Government as a handicap in favourably considering my case. On the other hand your endorsement No.P 797/ C.5-36-6 dated 27/28th July 1936 to my wife (copy enclosed) seems to rely more on the remission of the Civil and Military Station sentence first.

*** Since I am in the grip of death, I have taken the liberty to enclose a copy of your above endorsement along with my petition to the Hon'ble the Resident, for his information, so that both the Governments might consult if necessary and release me without much loss of time.)

By this act of kindness and mercy I need not say you would be placing myself and all the members of my family under a deep debt of gratitude to you.

I beg to remain,
Honoured Sir,
Your most obedient servant,
Sd. S.M.S.Aiyangar,

II Office of the Government Indian
Medical School Hospital,
Kilpauk, Madras.
Dated 4/9/1937.

Endt.No.4736-1
4/9/37.

Forwarded.
2. His condition will probably be improved if he is discharged from

from Jail and treated under conditions where he would be free from the depressions which jail life and Police guard seem to produce in him.

Sd. * * *
Principal,
Government Indian Medical School.

To

The Superintendent,
Central Jail, Salem.

---:O:---

Government of His Highness the Maharaja of Mysore,
General and Revenue Secretariat.

Dated Bangalore 27/28th July 1936

No. P.797/C.5.3-36-6.

Srimathi Kamalammall,
33, Kandappa Mudali Street,
George Town, Madras.

With reference to her memorial dated 30th June 1936 praying for remission of the sentence passed on her husband S.M.S.Iyengar by the City Magistrate, Bangalore, Srimathi Kamalammal is informed that if the Sentence of imprisonment passed on her husband by the Sessions Judge, Civil and Military Station, Bangalore is remitted and the prisoner submits a memorial thereafter to this Government praying for remission on the ground of continued illness, the matter will be considered.

By order
Sd. Illegible,
for Chief Secretary to Government.

---:O:---
O/C

BJ

S.N.22

163

DEPARTMENT.

BRANCH.

File No.

Serial No.

Issued Issue AsRao 23.XII.37 Draft Letter / Memorandum / Telegram

6th January '38 ~~December~~ ~~19 37~~

Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

No F.771-36 Dated R.O.I

Class for telegrams

6/1/38

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

To

The Secretary to the Government of Madras, Home Department, Madras.

Remission of the unexpired portion of the sentence of S.M.S.Ayyangar.

Sir,

With reference to the correspondence ending with your letter No.3528 D-7 dated the 16th December 1937, I am directed to forward copies of letters noted in the margin, and to request that if there is no objection, ~~a certificate from the Principal of the Government Indian Medical School, Madras, containing the particulars called for by the~~ Government of Mysore may kindly be forwarded to this Residency at an early date.

I have etc.,

Sd. A.J.Coatney

for Secretary to the Resident.

* S.N.17 (5) Cov.p.54 i. Letter to the Chief Secretary to the Government of Mysore No. 771-36/R.O.I, dated the 10th November 1937.

* P.u.c.I S.N.20. ii. Letter from the General Secretary to the Government of Mysore No.Pol.667/Cts.17-37-16, dated the 15th Decr.'37.

the information & certificate asked for by the Government of Mysore

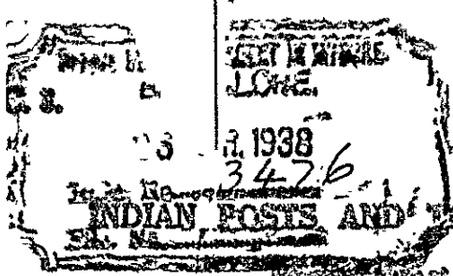
AsRao 19.XII.37

S. 5.

VGIPC—S1—2125(S&P)MFP—(M-2214)—3-2-37—50,000 Pads

164

S. N. 23



No.

Qsrs. 2613

O RA MADRAS F 25 STE 58 RESIDENT IN MYSORE

BANGALORE =

REFERENCE CORRESPONDENCE ENDING

WITH YOUR LETTER F / 771/ 36/ ROI DATED

SIXTH JANUARY 1938 REGARDING CONVICT

S M S AYANGAR UNDER MEDICAL TREATMENT

INDIAN MEDICAL SCHOOL HOSPITAL MADRAS STOP

CONVICT REPRESENTS FATHER DIED TWENTYTHIRD

NIGHT AND REQUESTS RELEASE ON PAROLE FOR 15

DAYS FOR SIX HOURS IN THE FORENOON

REQUEST ORDERS BY WIRE = MADRASHOME =

* S.N. 22 Conf 29 (5)

The sequence of entries at the beginning of this telegram is—class of telegram, time handed in, serial number (in the case of foreign telegrams only), office of origin, date, service instructions (if any), and number of words.

This form must accompany any inquiry respecting this Telegram.

Lal Chand & Sons, Printers, Calcutta—No. 636R (B-239)—8-10-37—30,000 Bks.

(65

S. N. 24

Draft telegram

Issued PPr 28/3/38

Issue today
AsRao
28.3.38.

F.771-36/R.O.I. dated 28th March 38.

From Resident Mysore, Bangalore

Home, Madras.

* S.N 23 P.C

Your telegram dated 25th March regar-ding convict S.M.S.Ayangar. ~~Release on parole granted under suitable police guard, for which this Administration will pay.~~

If Madras authorities are satisfied that petition is genuine, convict may be released on parole for minimum period necessary for performance of required ceremonies, under suitable police guard, for which the Administration will pay

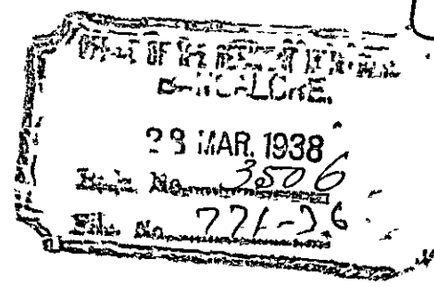
AsRao
27.3.38.

Done
Post copy may be sent

Ld 3/4.

S. N. 25.

166



Letter 3528D/36/D-12.

From

H.M. Hood Esq., C.I.E., I.C.S.,

Secretary to Government,

Home Department.

To

The Hon'ble the Resident in Mysore,

Bangalore (with enclosures).

Dated, Fort St.George, the 26th March 1938.

Sir,

Convict - Central Jail Salem - No.6437, S.M.S. Ayyangar - Petitions for remission of sentence to the Hon'ble the Resident in Mysore and to the Mysore Government - Reference: Correspondence ending with letter from Secretary to the Hon'ble Resident in Mysore No.F.771-36/R.O.I., dated 6th January 1938.

S.N.22 c.p.60

I am directed to forward the following papers:--

(1) Certificate of the Principal of the Government School of Indian Medicine, Kilpauk, Madras.

(2) Medical Case sheet of the convict.

(3) Certificate of the Physician, General Hospital, Madras.

(4) Copy of a letter from the Inspector-General of Prisons, No.54/S4/38, dated 21st March 1938.

I have the honour to be,

Sir,

Your most obedient servant,

771/36

for SECRETARY TO GOVERNMENT.

26/3

Medical Department.

From

Capt. R.L.Haviland Minchin, I.M.S.,
Physician, General Hospital, Madras.

To

Lt. Col. S.C.Contractor, I.M.S.,
Superintendent of Prisons, Madras.

No. dated 15/9/36.

Sir,

I will be discharging the patient, S.M.Iyengar, age 49, No.31, Florence Ward, from the Hospital within the course of the next few days as nothing else could be done medically or surgically I consider that his condition will probably be improved if he could be discharged from jail.

Sd. R.L.Haviland Minchin,
Capt. I.M.S.,
Physician.

Confidential.
R.5126/28-10-36.

Copy forwarded to the Superintendent, Central Jail, Salem, for communication to the Medical Officer for information.

Id. * * *
Supdt.
28/x/36,

O/C

BJ

OFFICE OF THE GOVERNMENT INDIAN MEDICAL SCHOOL HOSPITAL.

CERTIFICATE.

This is to certify that Convict No.6437 S.M.S.Aiyangar is in our opinion suffering from Parinama Soolam and incurably ill, so long as he remains in his present environment. His ill-ness has not been caused or aggravated by any acts committed by him in order to procure release, and we sincerely declare that in our opinion he is not likely to recover from his present illness if he remains in confinement, but that he will have a reasonable chance of recovery if he is released.

Sd. N.M.Menon,
Medical Officer in
charge of Ayurvedic wards,
Government Indian Medical
School Hospital.

Sd. * *
B.A., B.L., M.B.C.M.,
Principal,
Govt. Indian Medical School,
Kilpauk, Madras.

---:O:---

O/C

BJ

Medical Case sheet of Convict No.6437 Mr.S.M.S.Aiyangar.

The patient was admitted here on 30th March 1937 with a previous diagnosis of Gastric neurosis and previous history of dyspeptic trouble for over five years. He was under treatment in General Hospital for about 4½ months; and it is stated that the physician there was of opinion that the treatment did not cure him. He was diagnosed here as a case of 'Parinama Soolam' and has been under dietic and medicinal treatment for that condition since his admission at this hospital. If remedies selected are a little strong, he reacts badly. If they are mild, he does not get satisfactory relief. The environment of Police guard seems to be reacting unfavourably which is not surprising in a case diagnosed as Gastric 'Neurosis'.

Treatment by 'Vasthies' (Medicated enemato) was also tried but had to be abandoned after a few days as the treatment did not suit him. He is now being treated again by medicinal and dietic treatment for 'Parinama Soolam'

Although his general condition as judged by increase in weight (from 134 lbs at time of admission to 168 lbs at present) seems to have improved, yet the gastric 'Neurosis' with associated pains of varying kinds and severity, distressing flatulence etc. is still present.

Sd. N.M.Menon,
Medical Officer in charge
of Ayurvedic wards,
Government Indian Medical
School Hospital.

Sd. * * *
Principal,
Government Indian Medical
School.

---:O:---

O/C

BJ

Copy of letter No.54/S4/38 dated the 24th March 1938 from the Inspector General of Prisons.

Convict - S.M.S. Iyengar - Central Jail, Salem - Treatment in the Government Indian Medical School, Kilpauk - Madras - Ref.- Memorandum No.3528-D.36.10, Home, dated 11th March 1938.

I submit, herewith, the medical case sheet and the certificate relating to the prisoner referred to above received from the Principal, Indian Medical School, Kilpauk.

The certificate is not in accordance with Rule 514(1) Jail Manual, and the Principal in his letter No.456/3, dated 12th March 1938 (copy appended below) states that a certificate to the effect that the convict will die shortly cannot be furnished.-

"It is regretted we cannot certify that the prisoner will die shortly. We are learning constantly that we should be prepared for unexpected surprises both in the way of deaths and recoveries. To certify as a certainty that the prisoner will die shortly is beyond us. Whatever we could certify to, we have certified already. The papers sent with your letter under reference are returned herewith".

I have to point out that the medical case sheet shows that the environment of police guard is reacting unfavourably, etc. It is noted in the certificate that the prisoner is not likely to recover from the present illness if he remains in confinement but that he will have a reasonable chance of recovery if he is released.

"He is incurably ill".

O/C

BJ

S.N.26 DRAFT. 71

Issued 5/4/38

No.F.771-36. 5th April 1938.
R.O.I.

From

The Secretary to the Resident.

To

The General Secretary to the Government of His Highness the Maharaja of Mysore.

Remission of the unexpired portion of the sentence of S.M.S.Ayyangar.

Sir,

With reference to the correspondence ending with your letter No. Pol.667/Cts.17-37-16, dated the 15th December 1937, I am directed to forward a copy of letter from the Government of Madras No.3528D/36/D-12, dated the 26th March 1938, with enclosures in original. The memorial addressed to the Government of Mysore by S.M.S. Ayyangar is also enclosed.

I have etc.,

(Sd) J. A. Tweedyan.

Secretary to the Resident.

Issue AsRao 31/3

(S) S.N.20 C.P.57-58

S.N.25 C.P.62 P.U.C.

(3) Encl to S.N.20

Note in file. Copies of notes to be kept for file, please. Ans

Mas 29.3.38

AsRao 29.3.38

etc

(73)

Copies.....1276. Registered.....1938.

Abstract

CONVICT - S.M.S. Ayyangar - Central Jail, Salem undergoing treatment in the Government Indian Medical School, Kilpauk - Release on parole to perform religious ceremonies on death of father - Sanctioned by the Resident in Mysore.

Home Department
G.O.No.1693 Ms., dated 29th March 1938.

Read the following:-

From Convict S.M.S. Ayyangar, dated 24th March 1938. S.N.24 C.P.65 (S)

From the Hon'ble the Resident in Mysore, Telegram dated 28th March 1938.

ORDER:-

In order to enable Convict No.6437 S.M.S. Ayyangar of the Central Jail, Salem now undergoing treatment in the Government Indian Medical School, Kilpauk to perform the religious ceremonies connected with his father's death the Hon'ble the Resident in Mysore has been pleased to sanction his temporary release on parole for a period of 15 days for 6 hours in the forenoon subject to the condition that the Convict returns to the Indian Medical School immediately after the ceremonies for the day are over and that during the period of his temporary absence, a suitable police guard accompanies him.

2. The Inspector-General of Police is requested to report to Government in due course the cost of the police guard arranged for.

(By Order of His Excellency the Governor)

H.M. Hood,
Secretary to Government

To the Inspector-General of Prisons, (with enclosure)
To the Inspector-General of Police, (with enclosure).
Commissioner of Police, ~~Kaithakkakkxxxxx~~
To S.M.S. Ayyangar through the Inspector-General of Prisons.
To the Hon'ble the Resident in Mysore (with C.L).
Copy to the Principal, Government Indian Medical School, Kilpauk.

True Copy

Forwarded
(By Order)

Superintendent.

Cm.29/38

Sectt. II-14—7,000—30-10-37.

GOVERNMENT OF MADRAS

FORT ST. GEORGE,
OOTACAMUND

From

29th March 1938.

H.M. HOOD Esq., C.I.E., I.C.S.,

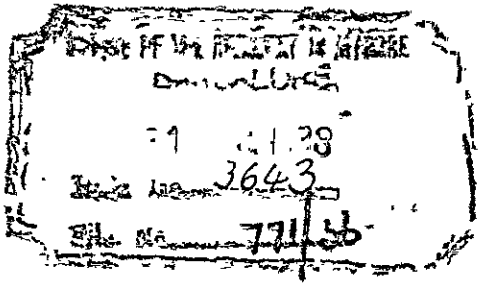
SECRETARY TO THE GOVERNMENT OF MADRAS,
HOME DEPARTMENT.

To

THE Hon'ble the Resident in Mysore.

SIR,

I am directed to forward the enclosed proceedings of the Madras Government, No. 1699 Ms., Home, dated the 29th March 1938.



I have the honour to be,
Sir,
Your most obedient servant,

for Secretary.

74

Madras, 24th March 1938.

From
S.M.S.Ayyangar,
Bed No.60 Ayurvedic Ward,
Landons Road.

To
The Hon'ble Mr.K.Raman Menon,
Minister for Courts and Prisons,
Fort St.George, Madras.

Sir,

I was released temporarily to undergo Medical treatment in the Government Indian Medical School Hospital a year ago and I am still undergoing treatment here.

I have petitioned the Government of the C.M.S. Station Bangalore (having been convicted by the Session Judge of the place) to release me on medical grounds. I have also submitted copies of the petitions to you through my father in person. I was given to understand that the question of my release is under the consideration of the Government and I am awaiting the order for my release every day.

Meanwhile my aged father died suddenly last night and I am his only son. As I cannot go out even with the permission of the Medical Officer I was not able to see the face of my father for the last time.

I am anxious to perform the usual religious ceremonies which as the only living son of my father I am bound by religion to perform.

I shall therefore feel highly grateful on the above circumstances to release me on parol for 15 days for six hours in the forenoon pending receipt of orders from the Government of the C.M.S. Bangalore

I beg to remain,
Sir,
Your most obedient servant,

S.M.S.Aiyangar
'B' Class Prisoner.

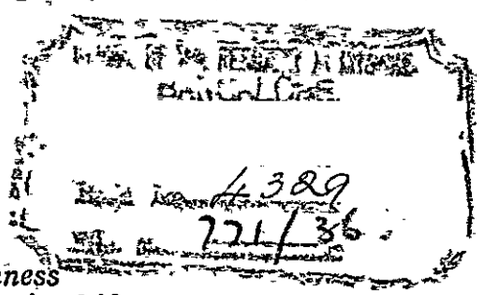
S.N. 29 176

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 19th April 1938.

No. Pol 1175- etc 17-37-18



From

M. Venkatesa Iyengar, Esq., M.A.
General *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Subject:- Remission of the unexpired portion of the sentence of S.M.S. Iyengar.

S.N 26 (S) Cor. p 7'

I am directed to acknowledge the receipt of your letter No. F. 771-36/R.O.I, dated 5th April 1938 on the above subject and to state that it is not clear from the above letter whether the Hon'ble the Resident has been pleased to remit the unexpired portion of the Civil and Military Station sentence against the prisoner and accordingly to request that, if there is no objection, this Government may be favoured with the above information.

I have the honor to be,
Sir,
Your most obedient servant,

BR Ramakrishnaraja

for General Secretary to Government.

TRm. 2

77

S. N. 30

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.771-36
R.O. I

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 9th May *1938.*

Remission of the unexpired portion of the sentence of S.M.S.Ayyangar.

SIR,

With reference to the correspondence ending with your letter No. Pol.1175/Cts.17-37-18, dated the 19th April 1938, I am directed to say that it is only a few months before the sentence of the Civil and Military Station Court expires, and in these circumstances the Resident proposes to remit the convict's sentence if the Mysore Government propose to suspend the sentence imposed on him by the State Court.

I have the honour to be,
Sir,
Your most obedient servant,

o/c

for SECRETARY TO THE RESIDENT.

BJ

V.J. S.N. 31. 28/5/38

Govt. Duran Medical School Hospital (Ayurveda Ward) Kilpauk. Madras Dated. 26th May 1938

OFFICE OF THE RESIDENT IN MYSORE BANGALORE
28 MAY 1938
Dispatch No. 5265-2
Date No. D

A.R.a 30/5/38

To,

The Hon. The Resident in Mysore C/o H. Chatwin Bangalore.

Honoured Sir

I am enclosing herewith a copy of the petition, I have recently addressed to the Principal Govt. Duriaw Medical School for your information and necessary action

In doing so, I most humbly beg to

Submit that I have been
suffering from a cruel disease
for a very long time, and unless
you show me some Kindness
and give relief, I will meet
with a cruel death.

I appeal to all that is
noble in the Englishman in you,
and pray that you would show
me some kindness and dispose
of my papers immediately, for
which act of kindness & Charity
I would ever pray for your long
life and prosperity.

I have to remain
Honored Sir
Your most obedient Servant
S. M. S. Anjanga
B'dos Prisoner

Govt. Lunacy Medical School
Hospital
Lyurveda road
Kilpauk. Madras.
17th May 1938

(Copy)

To,

The Principal
Govt. Lunacy Medical School
Kilpauk. Madras.

Sir,

Several months ago I submitted petitions to the Local Governments through your office, praying for my release on medical grounds for which I have received no reply so far.

My wife Sri. S. Kamalamma had also submitted petitions on my behalf requesting the government to show me some kindness and consideration and release me from custody in consideration of my continued illness. To her last petition, she received a reply dated 11th December 1937 informing her that the question of my release is under the consideration of the Hon'ble the Resident at Bangalore. Since then I have received no news as to how my case was disposed of.

This suspense is telling very much on my health. The severe nervous pain in my head ~~head~~ and giddiness that started on the 12th day of my father's death still continues. If it is due to vapour rising from the stomach and that it will

will not subside unless the Stomach pain is cured as some of my friends think, it is definitely a new development. The Stomach pain is still in the same old state, pain at times being more acute and intolerable. I have been in this hospital sufficiently long and I am afraid my chances of getting cured under the present conditions are still remote, to put it mildly. Even the one improvement i.e absence of irritation in the Stomach one cannot put as 'definite' since it comes back even if a slight change is made in diet or in the administration of medicine. For the past one week irritation is continuous. The improvement in my weight due to prolonged rest and careful dieting by my wife would certainly collapse the moment these are withdrawn since there is no equal improvement in my strength and I am very easily exhausted. The same thing happened after my leaving the General Hospital - vide my previous medical history regarding weight. I still continue to be on liquid diet. I am simply fed up with my life.

I therefore humbly request you would be good enough to find out at your early convenience from the local Governments concerned through the Inspector Generals Prisons if there is any likelihood of their favourably considering at an early date my prayer for release on Medical grounds

and thereby let me live for some time more by enabling me to take such private medical treatment as may be advised by experts under suitable Environments and Conditions. If they are not favourably disposed, I must simply attribute it to my past Karma, and request you to kindly send me back to prison for that would enable me to join my forefathers Soon; and that would be the greatest kindness you could show me.

So long I live I will be a burden to others. This body of mine is certainly a burden to me. The earlier it is destroyed would be better to all Concerned.

In anguish and pain

Let me remain

Sir

Ever yours faithfully and

obediently.

S. M. S. Rajayar

B'dass Prisoner.

Salem

P.S. Should the Government Concerned decide to submit me for the Examination and report by an independent Medical Board of their Choice, I would welcome it with a grateful heart on bended knees.

Copy forwarded to :- Ok.

1 The Superintendent. Central Jail Salem for submission to the

Government of madras and for necessary action

II To the Hon'ble Minister for Jails & Courts
Government of madras. Madras

III To the Hon'ble the Resident
C & M. Station
Bangalore

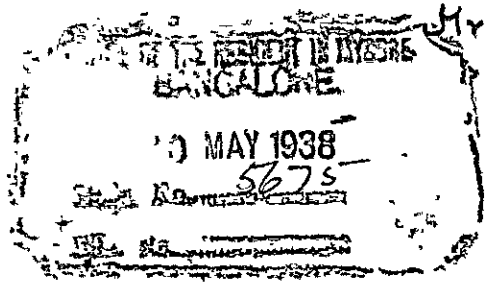
From

Mrs S. Kamalammal

No. 4, Saravana Perumal Mudaly St.

Purasawakkam

Vepery P. O. Madras.



To

The Secretary

To the Hon'ble the Resident

in Mysore,

Bangalore.

Sir,

Ref: S. M. S. Iyengar, Prisoner, Inpatient, G. J. M Hospital, Madras.

— x —

May I humbly draw your kind attention once again to my petitions and to your letter No. E 771-36 R.O.I dated the 11th December 1937 and request the favour of an early disposal of my husband's papers who is in sick bed for nearly 2 years ?. My only excuse for this

85 urgent remainder is my overwhelming anxiety regarding the Condition of my husband's health and his present State of mind

There is not only no improvement since I appealed to you last, but there is a definite increase in the disease. His stomach pain has affected his head also, and he is suffring much pain in the head with giddiness. The opinion that the disease is incurable under the existing environment and Conditions is definitely gaining ground.

I am afraid, my husband is getting disgusted with his life - He might even be sent back to prison, as it would serve no useful purpose to keep an incurable case in a public hospital for the bed occupied by him Could be utilised usefully to some

other deserving Case. If he goes back to prison even the slight ray of hope I have for prolonging his life by trying some other System of medicine under experts would be shattered to pieces and I would lose him for ever.

I therefore most humbly pray that the question of his release from prison may be Considered expeditiously for which act of kindness and Charity I need not say I shall ever pray for your long life and prosperity.

Anxiously awaiting your reply.

I beg to remain
Sir
Yours obediently
S. Kamalammal.
28.5.38

S. N. 33

187

DEPARTMENT. File No.

BRANCH. Serial No.

Issue A.S.Rao 31/5

Draft Letter / Memorandum / Telegram

Issued As 31/5/38

Class for telegrams

Ordinary	*Only for Foreign Telegrams.
Express	
Urgent*	
Priority	
Clear line†	†Not for Foreign Telegrams.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading;	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	
List of enclosures	

(Code word for telegrams.)

(3) ~ S.N.30 / Cor p. 77

No. F.771-36 R.O. I Dated 31st May ~~June~~ 1938.

To

The General Secretary to the Government of His Highness the Maharaja of Mysore.

Remission of the unexpired portion of the sentence of S.M.S.Ayyangar.

Sir,

I am directed to refer to the correspondence ending with my letter No.F.771-36/R.O.I, dated the 9th May 1938.

The convict and his wife have again submitted representations praying for remission of the unexpired portion of the sentence. I am to request, therefore, that if there is no objection, a reply to my letter referred to may kindly be sent at an early date.

I have etc.,

(Sd) H. Trevelyan

Secretary to the Resident.

A.S.Rao 30.5.38.

S. 5.

MFP—1457 S&P—(M-2705)—25-2-38—6,000 Pads.

Early Lab(I) 40 38

188

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Pol. 1328 S.N.34 Dated, Bangalore, 2nd June 1938

cls 17-37-21

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE
4 JUNE 1938
Regd. No. 5893

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Subject:- Remission of the unexpired portion of the sentence of S.M.S. Iyengar.

I am directed to invite reference to the correspondence ending with your letter No.F.771-36/R.O.I. dated 9th May 1938 on the above subject and to state that orders were issued on 30th May 1938 directing the remission under Section 401 (i) of the Criminal Procedure Code of the sentences passed by the City Magistrate, Bangalore on S.M.S. Iyengar.

2. The authorities concerned in British India may also kindly be intimated as to the remission of the Mysore sentence passed on S.M.S. Iyengar and requested to communicate the same to the prisoner.

3. I am to request that, if there be no objection, this Government may be favoured with the information regarding the further action taken in the matter of remission of the balance of the Civil and Military Station Sentence by the Hon'ble the Resident.

I have the honour to be,
Sir,
Your most obedient servant,

B K Ramakrishnaiya

for General Secretary to Government.

RS

RS

S.N. 35.

Proceedings of the Hon'ble the Resident in Mysore.

3 drafts
Draft I.
Issue
AsRao
8/6

Issued
as
10/6/38

No.E.771-36/R.O.I, Dated, 10th June 193

Read:-

1. Letter from the Government of Madras, Home Department, No. 3528 D/36-5, dated the 30th September 1937,

2. Petition from S.M.S.Aiyangar, dated the 25th May 1938,

3. Letter from the Government of Mysore No.Pol.1328/Cts.17-37-21, dated the 2nd June 1938.

(S) * S.N. 16 / Cor. p. 43

(S) + S.N. 31 / Cor. p. 78

* P.U.C / S.N. 34.

O r d e r.

In exercise of the powers conferred by Section 401 of the Code of Criminal Procedure, 1898, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to remit the unexpired portion of the sentence passed on convict No.6437 of the Salem Central Jail, S.M.S.Aiyangar, by the Sessions Judge, Civil and Military Station, Bangalore, in Sessions Case No.1 of 1934 on his file.

* please see — Cor. p. 73.

(Sd) H. Trevelyan
Secretary to the Resident.

+ please see — S.N. 2 / Cor. p. 10.

The Sessions Judge, Civil and Military Station, Bangalore, for information.

AsRao
4.6.38.

190

S.N.36

DEPARTMENT. File No.

BRANCH. Serial No.

3 drafts
Draft II

Draft Letter / Memorandum / Telegram

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

Issue
10/6/38

To be issued on | Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading;

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures 2

(Code word for telegrams.)

No. F.771-36 R.O. I Dated 10th June 1938.

To

The Secretary to the Government of Madras, Home Department.

Remission of the unexpired portion of the sentence of S.M.S.Aiyangar.

Sir,

I am directed to refer to the correspondence ending with your letter dated the 29th March 1338, forwarding copy of the Proceedings of the Madras Government, Home Department, No.1699 Ms., Home, dated the 29th March 1938, and to request that the prisoner may kindly be informed that the Hon'ble the Resident has been pleased to remit the unexpired portion of the sentence passed on him by the Sessions Judge, Civil and Military Station, Bangalore, in Sessions Case No.1 of 1934 on his file.

I am to add that the Government of Mysore also have passed orders on the 30th May 1938 directing the remission of the sentences passed on him by the City Magistrate, Bangalore. I am to forward for information a copy of Proceedings

× S.N.27
Corr.p.72

S. 5. × Draft I

MFP—1457 S&P—(M-2705)—25-2-38—6,000 Pads.

of the Hon'ble the Resident No.F.771-36/ R.O.I., dated the 10th June 1938, and a a copy of letter from the Government of Mysore No.Pol.1328/Cts.17-37-21, dated the 2nd June 1938.

P.W.E
S.N.34

I have etc.,

(Sd) H. Trevelyan

Secretary to the Resident.

A.S.Rao
4.6.38

192

S.N.37

DEPARTMENT. File No.

BRANCH. Serial No.

3 drafts / Draft II / Issue / A.S.Rao 8/6 **Draft**

Letter / Memorandum / Telegram

Issued 10/6/38

Class for telegrams

Ordinary	*Only for Foreign Telegrams.
Express	
Urgent*	
Priority	
Clear line†	†Not for Foreign Telegrams.

No. F.771/36 R.O.I Dated 10th June 1938

To be issued on | Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures One

(Code word for telegrams.)

To

The General Secretary to the Government of His Highness the Maharaja of Mysore.

Remission of the unexpired portion of the sentence of S.M.S.Ayyangar.

Sir,

With reference to the correspondence ending with your letter No.Pol.1328/Cts.17-37-21, dated the 2nd June 1938, I am directed to say that the Hon'ble the Resident has been pleased to remit the unexpired portion of the sentence passed on S.M.S.Ayyangar by the Sessions Judge, Civil and Military Station, Bangalore.

I am to forward for information a copy of the Proceedings of the Hon'ble the Resident No.F.771-36/R.O.I, dated the 10th June 1938, and a copy of letter to the Government of Madras No.F.771-36/R.O.I, dated the 10th June 1938.

I have etc,

(Sd) H.Trevelyan
Secretary to the Resident.

* P.u.e / S.N.34

* Draft I

* Draft II

S. 5.

MFP—1457 S&P—(M-2705)—25-2-38—6,000 Pads.

A.S.Rao 1.6.38

Sectt. II-14—7,000—30-10-37.

1716

GOVERNMENT OF MADRAS

FORT ST. GEORGE,
~~DOTACAMUND~~

From

15th June 1938.

H.M. Hood Esquire, C.I.E., I.C.S..

SECRETARY TO THE GOVERNMENT OF MADRAS,
Home DEPARTMENT.

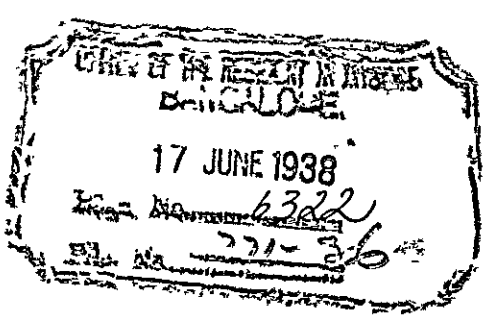
To

THE Hon'ble the Resident in Mysore.

SIR,

Page 95

I am directed to forward the enclosed proceedings of the Madras Government, No. Ms. 3023, dated the 15th June 1938.



I have the honour to be,
Sir,
Your most obedient servant,

For *Secretary.*

95

GOVERNMENT OF MADRAS

Secrt. II.15 (a)—40,000—14-10-36.

Received _____ 193 *Registered* _____ 193

Abstract.

Convict - Remission of sentence - S.M.S. Aiyangar - Central Jail, Salem - Petition - Orders passed - Letter from the Secretary to the Hon'ble the Resident in Mysore - Communicated.

XS.N-36 / Cr.P.90 /

Home DEPARTMENT.

G.O. No. Ms. 3023 dated 15th June 1938

ENCLOSURES.

No. _____

READ the following paper :—

From the Inspector General of Prisons, No. R.O.C. 442/S5/37 dated the 11th September 1937.

⊗ Letter to the Hon'ble the Resident in Mysore, No.3528 D/36-5 dated 30th September 1937.

↑ From the Secretary to the Hon'ble the Resident in Mysore, Letter No. F. 771-36/R.O.I. dated 10th June 1938.

⊗ S.N-16 / Cr.P.43 /

ORDER.

↑ S.N-36 / Cr.P.90 /

Communicated to the Inspector General of Prisons for necessary action.

(By Order of His Excellency the Governor).

H.M. Hood,
Secretary to Government.

To the Inspector General of Prisons. (with enclosures).
Hon'ble the Resident in Mysore (with C.L).

(True Copy).
Forwarded.
/By Order/.

Superintendent.

K.V.D.

C.F. 34. Office

~~PROCEEDINGS~~ MEMORANDUM OF THE Superintendent, Central Jail,

Post Box No. *Telegraphic Address* Salem.

Name Captain F.E. Hitchin M.B.E.,

R. *No.* 3275, *dated* 29th June 1938

Short title

To

READ ~~the following~~:— The Secretary to the
Hon'ble the Resident in Mysore,
Bangalore.

Sir,

In acknowledging the receipt of proceedings No.F.771-36/R.O.1 dated 10th June 1938 of the Hon'ble the Resident in Mysore received through the Sessions Judge Bangalore, I have the honour to inform you that 'B' Class convict S.M.S. Ayyangar was released from this jail on 14-6-1938.

The prisoner was served a notice under section 565 Cr.P.Code furnishing the following address - 'Poondi Wallajah Railway Station, North Arcot District'.

The papers relatingto the prisoner are returned herewith.

I have the honour to be,
Sir,
Your most obedient servant,

Superintendent.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE
JUN 1938
No. 6706
F. 771-36

L
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Nominal Roll of Male / Female Convict No. 5845 Name S.M.S. Iyengar

Residence Poondi Village, Walaja / Railway Station Taluk, North Arcot District.

Caste Srivyshna Present age 48 years. Occupation Engineer.
Brahmin

Section and code under which imprisoned.	1. Section 420 and 75 I.P.C. 2. Section 417 and 420 I.P.C.
Original sentence and date of award.	1. Five years R.I. for each of the section to run concurrently and N.R. for 5 years. 2. 1 year R.I. under Section 417 and fine of Rs. 150 or 3 months R.I. 2 years R.I. and fine of Rs.200 or 3 months R.I. under sec-420 the sentences to run consectively and the sentences to commence after the expiry of the sentence awarded in S.C. No. 1 of 34 on the file of Sessions Judge, C & M. Station, Bangalore.
Adjudicating Court and number of calendar case in which convicted. **	** 1. The Sessions Judge, C & M Station, Bangalore, Sess. Case No. 1 of 1934. 2. The City Magistrate, Bangalore C.C. No. 1488/33-34
Unexpired term of sentence after deducting remission earned, up to ~~end of December 1-3-33~~ XX	XX Y. M. D. 3 6 (if fine is not paid)
Present state of health and fitness to undertake a journey.	
Result of appeal (if any).	1. The sentence confirmed in C.A. No. 3 of 1934 on the file of the Resident in Mysore.
Conduct in Jail. **	2. Not known. ** F a i r.
Remarks.	He istransferred on 1-3-1935 to Vellore Central Jail to under British sentence. He is required in this Jail to undergo the State sentence passed by City Magistrate after the expiry of British Sentence.

Secretary to Government,
Department.

For Chief Secretary to Government.

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All Communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.14-35(20)
R.O.I

FROM

Major C.G.N. Edwards, I.A.,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

R-594
Bangalore

To

The District Magistrate,

North Arcot District.

Dated, Bangalore, the 12th April *1935.*

Subject.
Extradition of S.M.S. Iyengar.

.....

SIR,

I am directed to enclose a warrant for the surrender of S.M.S. Iyengar, convict No.5845 of the Central Jail, Bangalore, an Indian British subject who was convicted in C.C.No.1488/33-34, by the City Magistrate, Bangalore, in Mysore State of extradition offences punishable under sections 417 and 420 of the Indian Penal Code. The convict is reported to have been surrendered on the 1st March 1935 to the Superintendent, Central Jail, Vellore to undergo the sentence awarded by the Sessions Judge, Civil and Military Station, Bangalore in Sessions Case No.1 of 1934. A copy of the nominal roll of the prisoner is enclosed.

2. I am to request that if there is no objection, the convict may kindly be surrendered at the place and to the officer named in the warrant after the completion of the sentence in the Central Jail, Vellore.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT

3046

R 281/2/14

The District Magistrate,
North Arcot.

Sir,

Ref: Extradition of S.M.S. Iyengar - Ref. your cnf. No. 997-35 dated 16.4.35.

——x——

I have the honour to inform you that B class prisoner No. 3046 S.M.S. Iyengar will be surrendered at the place and to the officer named after the completion of the sentence in this Jail.

R 281/2/14

C/F

Copy to the Secy. to the Resident in Mysore, Bangalore with ref to his letter No. F. 114-35(20). R.O.J. dated 12.4.35.

99

WARRANT UNDER SECTIONS 7(1) AND 12 OF THE INDIAN EXTRADITION ACT, 1903.

To

The District Magistrate,

North Arcot,

Vellore.

WHEREAS it has been represented by the Government of Mysore that the following person, viz. S.M.S. Iyengar, convict No.5845 of the Central Jail, Bangalore, whose marks of identification are noted in the margin, an Indian British subject, now undergoing imprisonment as a "B" class prisoner in the Central Jail at Vellore, having been sentenced by the Sessions Judge, Civil and Military Stations, Bangalore, in Sessions Case No.1 of 1934 for a period of five years and transferred to that jail on the 1st March 1935, has been convicted by the City Magistrate, Bangalore, in Mysore State of extradition offences punishable under sections 417 and 420 of the Indian Penal Code, you are hereby required to deliver the abovenamed S.M.S. Iyengar to the Superintendent, Central Jail, Bangalore, at the Central Jail, Bangalore.

Vaccinated; whitish.
1. A scar on the right side of neck.
2. A mole on the left flank.
3. A round scar on the right scapula
4. Height 5 ft. 9"

Given under my hand and seal at Bangalore, this the 12th day of April 1935.

RESIDENT IN MYSORE AND CHIEF COMMISSIONER OF COORG.

SECRETARY TO THE RESIDENT.

S. N. 41

C100

Res. Mysore 39.

Issue Issued 7/7/38 AsRao 2/7

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 7th July *1938.*

No. F. 771-36 Cul
R. O. I

A copy of the undermentioned paper(s) is forwarded to the

Sessions Judge, Civil and Military Station
Bangalore,

for information, in continuation of ~~with reference to~~ ~~the correspondence ending with his~~ memorandum / ~~letter~~ / endorsement from this Residency,

S.N.35 / C.P.89 (S) No. F.771-36 R.O.I. dated the 10th June 1938

By order, etc.,

2/7

~~Secretary~~ / Asst. Secy. to the Resident.

LIST OF PAPERS.

S.N.40 / C.P.96 P.U.C. Letter from the Superintendent, Central Jail, Salem, R. No. 3275, dated the 29th June 1938.

Mas 1.7.38

1687—12-3-1937—2,000—RPB.

AsRao 1.7.38.

S.N.42 (101

Res. Mysore 38.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 7th July *1938.*

Issued 7/7/38 Issue AsRao 2/7

No. F. 771-36 Genl.
R. O. I

A copy of the undermentioned paper(s) is forwarded with compliments to the General Secretary to the Government of His Highness the Maharaja of Mysore, ~~Department~~ for information, ~~in continuation of~~ with reference to the correspondence ending with ~~(his)~~ ~~memorandum~~ letter ~~endorsement~~ from this Residency

S.N.37 / C.P.92 (S) No. F.771-36 / R.O.I, dated the 10th June 1938

By order, etc.,

AL 2/7
for *Secretary to the Resident.*

LIST OF PAPERS.

S.N.40 / C.P.96 P.U.C. Salem Letter from the Superintendent, Central Jail, R. No. 3275, dated the 29th June 1938.

Mas 1.7.38

AsRao 1.7.38:

1686—12-3-1937—2,000—RPB.